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## CITATION

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## CERTIFICATE

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DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1985 – 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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85-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
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<sup>1</sup>All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

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

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

**WSR 86-08-001**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
**(Library Commission)**  
[Memorandum—March 19, 1986]

The Washington State Library Commission will meet in executive session on March 27, 1986, in Room 129 of the Suzzallo Library, University of Washington, beginning at 2:30 p.m.

**WSR 86-08-002**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**  
[Order 2348—Filed March 20, 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 ch. 248-18 WAC Hospital rules and regulations.
- Amd ch. 248-21 WAC Hospice care center.
- Amd ch. 248-16 WAC Boarding homes.
- Amd ch. 248-140 WAC Medical facility for induction and/or termination of pregnancies.

This action is taken pursuant to Notice No. WSR 86-03-070 filed with the code reviser on January 17, 1986. 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 213, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
**APPROVED AND ADOPTED** March 19, 1986.

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

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

✓ WAC 248-16-900 EXEMPTIONS. The ((state board of health,)) department may, in its discretion, exempt a boarding home from complying with parts of these rules pursuant to the procedure set forth in WAC 248-08-595.

AMENDATORY SECTION (Amending Regulation .16.999, effective 3/11/60)

✓ WAC 248-16-999 LEGAL AUTHORITY OF THE ((STATE BOARD OF HEALTH)) DEPARTMENT. See RCW 18.20.090 (({Section 9, chapter 253, Laws of 1957})).((§))

AMENDATORY SECTION (Amending Order 275, filed 8/16/84)

✓ WAC 248-18-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of an individual patient under circumstances indicating the health, welfare, and safety of the patient is harmed thereby. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility has been delegated (e.g., teachers, providers of residential care and/or treatment, providers of day care):

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

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American Osteopathic Association.

(3) "Acute cardiac care unit" means an intensive care unit for patients with heart problems.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 248-18-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

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

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

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support persons during the complete process of vaginal childbirth

(three stages of labor and recovery of woman and newborn).

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

((11)) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

((12)) (11) "Department" means the Washington state department of social and health services.

((13)) (12) "Dentist" means an individual licensed under chapter 18.32 RCW.

((14)) (13) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

((15)) (14) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

((16)) (15) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

((17)) (16) "Facilities" means a room or area and/or equipment to serve a specific function.

((18)) (17) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not to exceed four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

((19)) (18) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

((20)) (19) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

((21)) (20) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

((22)) (21) "He, him, his, or himself" means a person of either sex, male, or female, and does not mean preference for nor exclude reference to either sex.

((23)) (22) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extra-uterine existence is compromised by a number of factors, (prenatal, natal, or postnatal), and who is in need of special medical or nursing care.

((24)) (23) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care(;) of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

((25)) (24) "Infant" means a baby or very young child up to one year of age.

((26)) (25) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment(;) used for the care of an individual infant.

((27)) (26) "Intensive care unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients critically, seriously, or acutely ill, and in need of intensive, highly skilled nursing service.

((28)) (27) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) has been approved by the Food and Drug Administration.

((29)) (28) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

((30)) (29) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

((31)) (30) "Legend drugs" means any drugs required by state law or regulation of the state board of

pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

~~((32))~~ (31) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

~~((33))~~ (32) "May" means permissive or discretionary on the part of the board or the department.

~~((34))~~ (33) "Medical staff" means physicians and may include other practitioners appointed by the governing body to practice within the parameters of governing body and medical staff bylaws.

~~((35))~~ (34) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

~~((36))~~ (35) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

~~((37))~~ (36) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

~~((38))~~ (37) "Neonatal intensive care nursery" means an area designed, organized, and equipped to provide constant nursing care to the high-risk infant.

~~((39))~~ (38) "New construction" means any of the following:

- (a) New buildings to be used as hospitals;
- (b) Additions to existing buildings to be used as hospitals;
- (c) Conversion of existing buildings or portions thereof for use as hospitals;
- (d) Alterations.

~~((40))~~ (39) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

~~((41))~~ (40) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

~~((42))~~ (41) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

~~((43))~~ (42) "Obstetrical area" means the portions or units of the hospital designated or designed for care and

treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

~~((44))~~ (43) "Occupational therapist" means an individual ~~((having graduated with a bachelors degree in occupational therapy from a university or college occupational therapy program and having completed field work requirements of that program))~~ licensed under the provisions of chapter 18.59 RCW.

~~((45))~~ (44) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

~~((46))~~ (45) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

~~((47))~~ (46) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((48))~~ (47) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

~~((49))~~ (48) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments(;) or where prescriptions are filled.

~~((50))~~ (49) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

~~((51))~~ (50) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

~~((52))~~ (51) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((53))~~ (52) "Physician's assistant" means an individual who is not a physician but is practicing medicine in accordance with the provisions of chapter 18.71A RCW and the rules and regulations promulgated thereunder, or in accordance with provisions of chapter 18.57A RCW and the rules and regulations promulgated thereunder.

~~((54))~~ (53) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

~~((55))~~ (54) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in subsections (65) and (66) of this section.

~~((56))~~ (55) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology as described in the Directory of Residency Training Programs

Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982, or eligible for certification by the American Osteopathic Board of Neurology and Psychiatry as described in the American Osteopathic Association Yearbook and Directory, 1981-1982.

((57)) (56) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

((58)) (57) "Recreational therapist" means an individual with a (~~bachelor's~~) bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

((59)) (58) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

((60)) (59) "Referred outpatient diagnostic service" means a service provided to an individual receiving his or her medical diagnosis, treatment, and other health care services from one or more sources outside the hospital; limited to diagnostic tests and examinations not involving the administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

((61)) (60) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

((62)) (61) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

((63)) (62) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

((64)) (63) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

((65)) (64) "Safety device" means a device used to safeguard a patient who, because of his or her developmental level or condition, is particularly subject to accidental self-injury.

((66)) (65) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff-controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

((67)) (66) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant or occupants.

((68)) (67) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

((69)) (68) "Shall" means compliance is mandatory.

((70)) (69) "Should" means a suggestion or recommendation, but not a requirement.

((71)) (70) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

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

((72)) (71) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

((73)) (72) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or collection and/or disposal of wastes.

((74)) (73) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

((75)) (74) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following: Incision, excision, or curettage of tissue or an organ; suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture; extraction of tissue including the premature extraction of the products of conception from the uterus; or an endoscopic examination with use of a local or general anesthesia.

((76)) (75) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

((77)) (76) "Toilet" means a room containing at least one water closet.

((78)) (77) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

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



~~((80))~~ (79) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation of such shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

AMENDATORY SECTION (Amending Order 209, filed 2/18/81)

WAC 248-18-010 EXEMPTIONS AND INTERPRETATIONS. (1) If a hospital that is required to be licensed under this act(;) does not normally provide a particular service or department, the section or sections of these regulations relating to such service or department will not be applicable.

(2) The ~~((state board of health))~~ department may, in its discretion, exempt certain hospitals from complying with parts of these regulations ~~((which pertain to health and sanitation;))~~ when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the safety or health of the patients in the hospitals involved in jeopardy.

~~((The state board of health hereby delegates to the director of the health services division of the department of social and health services the authority to grant said exemptions pursuant to the standards contained in chapter 248-18 WAC relating to the subject matter for which the exemption is requested, subject to the provisions contained herein. If an application for an exemption is recommended for denial by the director of the health services division, the recommendations shall be reviewed by the board of health at its next meeting. If an application is recommended to be granted by the director, it shall be reviewed in accordance with subdivision (b) of this subsection.~~

~~(a) Such reviews shall not be considered contested cases as that term is defined in chapter 34.04 RCW. Statements and written material regarding the application may be presented to the board at or before its meeting wherein the application for exemption will be considered. Allowing cross examination of witnesses in such matters shall be within the discretion of the board.~~

~~(b) Written summaries of all exemptions proposed to be granted by the director of the health services division shall be sent to all members of the board of health and shall include written forms upon which the members may indicate approval or disapproval of the exemption request. No exemption granted by the director of the health services division shall take effect for thirty days following notice of the tentative exemption approval being sent to the members of the board of health. If any member of the board of health shall fail to respond, or~~

~~shall disagree with the proposed exemption request, within the above thirty-day period, the exemption shall not take effect until reviewed and approved by the entire board at its next regular meeting.))~~

~~(3) ((The secretary of the department of social and health services or his designee may, upon written application:~~

~~(a) Exempt any hospital from complying with the patient room size, ceiling height, and window area requirements when the room for which the exemption is requested does not place the safety or health of the patients in the room in jeopardy;~~

~~(b) Grant an exemption to any hospital from the hospital regulations requiring alterations to meet new construction standards when the proposed alteration will serve to correct deficiencies or will upgrade the facility in order to provide better patient care and will not create any additional deficiencies.~~

~~(4))~~ The secretary of the department of social and health services or his or her designee may, upon written application of a hospital, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated to his or her satisfaction to be at least equivalent to those prescribed. The secretary or his or her designee shall send a written response to a hospital which has applied for approval of a substitution. The response shall approve or disapprove the substitution and shall be issued within thirty working days after the department has received all the information necessary to the review of the application.

~~((5))~~ (4) A hospital may, upon submission of a written request to the secretary of the department of social and health services or his or her designee, obtain an interpretation of a rule or regulation contained in chapter 248-18 WAC. The secretary or his or her designee shall, in response to such a request, send a written interpretation of the rule or regulation within thirty working days after the department has received complete information relevant to the requested interpretation.

~~((6) A hospital may submit a written request for an interpretation of a rule or regulation contained in chapter 248-18 WAC directly to the state board of health.~~

~~(7))~~ (5) A copy of each exemption or substitution granted or interpretation issued pursuant to the provisions of this section shall be reduced to writing and filed with the department and the hospital.

AMENDATORY SECTION (Amending Order 159, filed 2/22/78)

WAC 248-18-245 CARE OF TUBERCULOSIS PATIENTS. (1) Any hospital which provides inpatient services to both tuberculous and nontuberculous patients shall provide:

(a) Designated patient rooms for patients with suspected or known infectious tuberculosis.

(i) Any patient room used for the care of a patient with suspected or known infectious tuberculosis shall be a private or ~~((semi-private))~~ semiprivate room providing respiratory isolation and a ~~((hand-washing))~~ handwashing facility and shall have a separate adjoining toilet.

Only a patient with tuberculosis may share a room with a patient with infectious tuberculosis.

(ii) Ventilation: A negative pressure condition shall be maintained in the patient rooms relative to adjacent spaces, except bath and toilet areas. No air shall move out of the patient room space except to be discharged to the outdoor atmosphere. The discharge of air shall be at least twenty-five feet from any air intake or occupied space. Ventilation shall be at the rate of six air changes per hour, exhaust. Make-up or supply air may come from adjacent ventilated spaces with a minimum of two air changes being tempered outside air.

(iii) Ultraviolet generator irradiation: The ceiling and upper air space of patients' rooms shall be irradiated with ultraviolet fluorescent fixtures, with lamps emitting wave lengths of 253.7 nanometers. An average density of radiant flux shall be maintained at approximately ~~((20))~~ twenty to ~~((25 micro watts))~~ twenty-five microwatts per square centimeter as registered on an ultraviolet meter at the ceiling. The average reflected irradiance shall be approximately 0.1 ~~((micro watts))~~ microwatts per square centimeter in the room at the five foot level.

Fixture installation shall conform to the recommendations of the Illuminating Engineering Society Handbook, 5th Edition, Section 25, "Ultraviolet Energy." A maintenance program shall be established to include cleaning of the ultraviolet fixtures and lamps at least once per month with alcohol.

(b) Clinical laboratory services including slide microscopy shall be available in the facility(;) or through the state laboratory.

(c) Complete diagnostic x-ray service including laminography.

(d) Respiratory therapy services, including therapy related to positive pressure breathing, humidification, and nebulization.

(2) There shall be written policies and procedures pertinent to care of patients with tuberculosis.

(a) These shall be developed by representatives of administrative, medical, and nursing staffs.

(b) The policies and procedures shall be applicable within the hospital, designed to ensure safe and adequate care to patients, and consistent with applicable laws and ~~((state board of health))~~ regulations.

(c) Policies shall be made known and readily available to medical and nursing staffs, shall be followed in the care of patients, and shall be kept current by periodic review and revision.

(3) There shall be an infection control committee(;) whose activities related to tuberculosis shall include:

(a) Review and approval of infection control policies for nursing, laboratory services, and respiratory therapy services.

(b) Consultation for nurses and other personnel on problems associated with isolation of tuberculosis.

(c) Surveillance of the skin testing and chest x-ray program for employees.

(4) There shall be a planned education program provided for personnel having responsibility for services to the tuberculosis patient. The educational program shall

give each employee the opportunity to develop understanding of the:

(a) Nature and transmission of tuberculosis.

(b) Methods of control of tuberculosis.

(c) Treatment of tuberculosis.

(d) Psychological aspects of isolation.

(e) Community health aspects of tuberculosis.

A record shall be maintained of the education provided for the employee, which shall be sufficient to allow determination of whether or not the employee has received the education necessary to do an effective job in care of tuberculosis patients.

(5) There shall be a planned program of patient education to teach the patient about tuberculosis and how it is treated. The teaching program shall be directed towards helping the patient gain an understanding of:

(a) The nature and transmission of tuberculosis.

(b) How tuberculosis affects the patient's body.

(c) The treatment of tuberculosis, including the importance of regular intake of medications.

(d) The importance of regular follow-up after discharge from hospital. Entries in the patient's clinical record shall provide current information on the instruction which the patient has received and his or her progress in learning about his or her disease.

(6) There shall be regular case conferences involving the tuberculosis patient's physician, a pulmonary disease consultant, a registered nurse, and the health officer or his or her designee of the patient's county of residence to: Assure accurate diagnosis, effective treatment regimen, and discharge at earliest date consistent with good management and safety from transmission. A discharge conference shall include a representative of the facility to which a patient is being transferred or the health department of the patient's county of residence.

(7) There shall be planning for discharge and continued care of each tuberculosis patient in accordance with the patient's needs and resources. This shall include:

(a) Exchange of information with appropriate staff of another health care facility to which transfer of a patient is pending to ascertain that the other facility can receive and care for the patient.

(b) Transfer of written current medical information, which includes a medical history and physical examination, medical diagnosis, summary of the patient's course of treatment followed in the hospital, nursing and dietary information useful in the care of the patient, and pertinent social information.

(c) Transfer of written information as outlined in subsection (7)(b) of this section to the health department of the patient's county of residence when a patient is discharged to home care.

(d) Notification of the health department of the patient's county of residence at any time a patient is discharged.

(8) No hospital may provide inpatient services to tuberculous patients except upon the written finding of the department of social and health services, based upon an inspection performed pursuant to RCW 70.41.120, that such hospital is in compliance with this section.

AMENDATORY SECTION (Amending Order 209, filed 2/18/81)

✓ WAC 248-18-515 DESIGN AND CONSTRUCTION STANDARDS, GENERAL. (1) Exemptions, substitutions, and interpretations. Exemptions, approval of substitutions, and interpretations related to design and construction standards may be obtained pursuant to the provisions of WAC 248-18-010.

(2) Industry standards, guides, and codes adopted by reference.

(a) At least annually, and no later than October 1st of each year, the department shall (~~submit to the board for adoption~~) adopt an (~~up-dated~~) updated list of industry standards, guides, and codes which are adopted by reference in those sections of chapter 248-18 WAC which govern hospital construction.

(b) Preliminary drawings for a hospital construction project shall conform to the industry standards, guides, and codes which appear in the current chapter 248-18 WAC which shall constitute the applicable standards, guides, and codes for the duration of the construction project with the following exceptions:

(i) Upon written request of a hospital, the department may issue written approval of use of a more recent edition of an industry standard, guide, or code which has been adopted by the (~~board~~) department since development of the preliminary drawings for a hospital construction project. The more recent edition of the standard, guide, or code shall then apply to the project.

(ii) The most recent edition of an industry standard, guide, or code which has been adopted by the (~~board~~) department shall apply to a hospital construction project if the design of the project has not progressed to the point that construction has been authorized by the department in accordance with WAC 248-18-510 (3)(a) within two years after the first submission of the preliminary drawings for the project which were developed in accordance with an earlier edition of the standard, guide, or code.

(3) Format.

(a) In general, regulations concerning the size, location, and major equipment of rooms and areas are placed under headings for particular departments or facilities. Some service facilities which are common to several departments or units are grouped under "GENERAL REQUIREMENTS FOR SERVICE FACILITIES," WAC 248-18-710. Mechanical and electrical requirements and detailed architectural requirements are included in "GENERAL DESIGN REQUIREMENTS," WAC 248-18-718.

(b) Equipment included in these regulations is that which is frequently built in or attached to the building. Equipment which is customarily movable is not included.

(c) For every WAC section, the title caption denotes the category of facilities, requirements, or information to which the contents of the particular section relates.

(d) In "new construction regulations," requirements are differentiated from items which are permissive, suggestive, recommendatory, or explanatory in the following manner.

(i) "Optional. SHALL MEET REQUIREMENTS, IF INCLUDED," following the title caption for a WAC section, indicates the particular unit, service, department, or other category of facilities (which the title caption denotes) is only suggested or recommended and not mandatory, but must comply with applicable regulations if included in the hospital.

(ii) In some instances, the title caption for a WAC section denotes a unit, service, department, or other category of facilities which is required ONLY under certain circumstances. The circumstances under which such category of facilities is required are stated following the title caption. Such a category of facilities must meet applicable regulations if included in the hospital.

(iii) Within a WAC section, requirements are written in capital letters.

(iv) Permissive, suggestive, recommendatory, or explanatory items within a WAC section are written in lower case. Inclusion of any equipment, area, room, unit, service, or other facility which is only suggested or recommended (lower case) is optional. Such equipment, area, room, unit, service, or other facility shall meet requirements (capital letters) if included in the hospital.

AMENDATORY SECTION (Amending Order 283, filed 4/18/85)

✓ WAC 248-18-718 GENERAL DESIGN REQUIREMENTS. (REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) VECTOR CONTROL. CONSTRUCTION OF THE BUILDING SHALL BE SUCH AS TO PREVENT THE ENTRANCE AND HARBORAGE OF RODENTS AND INSECTS.

(2) ELEVATORS.

(a) AT LEAST ONE ELEVATOR CONVENIENTLY ACCESSIBLE FROM GROUND LEVEL IN ALL HOSPITALS WITH PATIENT CARE AND/OR DIAGNOSTIC AREAS ON OTHER THAN GROUND LEVEL OR ON MORE THAN ONE LEVEL. IF ELEVATOR REQUIRED,

(i) AT LEAST TWO ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF MORE THAN SIXTY BEDS;

(ii) AT LEAST THREE ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF OVER TWO HUNDRED BEDS ON OTHER THAN THE GROUND LEVEL.

(b) A GREATER NUMBER OF ELEVATORS MAY BE REQUIRED BECAUSE OF THE HOSPITAL PLAN, VOLUME OF VISITOR TRAFFIC, AND FOOD AND SUPPLY DISTRIBUTION SYSTEM.<sup>24</sup>

(c) SIZE OF REQUIRED PATIENT TRANSPORT ELEVATORS: AT LEAST ONE ELEVATOR OF FIVE FOOT FOUR INCH WIDTH BY EIGHT FEET SIX INCHES LENGTH INSIDE DIMENSIONS WITH DOOR OPENING OF FOUR FEET. In alteration projects where the elevator shaft is existing, elevators of lesser inside dimensions may be permitted.

(3) STAIRWAYS, RAMPS, CORRIDORS, AND AISLES.

(a) STAIRWAYS AND RAMPS.

- (i) NONSKID SURFACES.
- (ii) HANDRAILS ON BOTH SIDES.
- (iii) ADEQUATE GUARDRAILS AND OTHER SAFETY DEVICES ON ALL STAIRWELLS AND RAMPS.

(iv) SLOPE OF RAMPS USED FOR PATIENTS NOT TO EXCEED ONE IN TWELVE.

SLOPE OF RAMPS IN SERVICE AREAS NOT TO EXCEED ONE IN TEN.

(b) CORRIDORS.

(i) A CORRIDOR SYSTEM ESTABLISHED THROUGHOUT HOSPITAL. CORRIDORS SHALL PROVIDE A METHOD OF TRAFFIC CIRCULATION DESIGNED FOR PATIENT PRIVACY, TO PREVENT THROUGH TRAFFIC IN EXAMINATION, OBSERVATION, TREATMENT, AND DIAGNOSTIC AREAS.

(ii) CORRIDORS AT LEAST EIGHT FOOT ZERO INCHES WIDE WITH NO RESTRICTION MORE THAN SEVEN INCH TOTAL. EXISTING SEVEN FOOT ZERO INCH CORRIDORS ACCEPTABLE FOR ALTERATION PROJECTS. FIVE FOOT ZERO INCH MINIMUM CORRIDOR WIDTH FOR AMBULATORY PATIENT TRAFFIC WITHIN A SINGLE DEPARTMENT; FOUR FOOT ZERO INCH MINIMUM CORRIDOR FOR NON-PATIENT AREAS AND DEPARTMENTS PROVIDED THERE IS A FIVE-BY-FIVE FOOT TURNAROUND AT LEAST EVERY SEVENTY-FIVE FEET.

(iii) HANDRAILS BOTH SIDES OF CORRIDORS USED BY PATIENTS ON REHABILITATION NURSING UNITS, NURSING HOME UNITS, AND OTHER LONG-TERM CARE NURSING UNITS.

(iv) DOORS, EXCEPT THOSE TO SMALL UNOCCUPIED SPACES, SHALL NOT SWING INTO REQUIRED CORRIDOR WIDTH.

(c) AISLES.

SUFFICIENTLY WIDE TO ALLOW FOR UNIMPEDED MOVEMENT OF EQUIPMENT AND PERSONNEL.

(4) DOORS, WINDOWS, AND SCREENS.

(a) DOORS.

(i) FOUR FOOT ZERO INCH MINIMUM WIDTH IN OPERATING ROOM, DELIVERY ROOM, BIRTHING ROOM, RECOVERY ROOM, MAJOR EMERGENCY TREATMENT ROOM, FRACTURE ROOM, X-RAY ROOM, COMPUTERIZED AXIAL TOMOGRAPHY ROOMS, TO ALL TYPES OF INTENSIVE CARE UNITS AND TREATMENT ROOMS IN INTENSIVE CARE.

(ii) THREE FOOT TEN INCH MINIMUM WIDTH FOR PATIENT ROOMS, NEWBORN NURSERIES, ULTRASOUND ROOMS, NUCLEAR MEDICINE TREATMENT ROOMS, PHYSICAL THERAPY TREATMENT ROOMS, HORIZONTAL EXITS, AND OTHER DOORS THROUGH WHICH PATIENTS ARE TRANSPORTED IN STRETCHERS OR BEDS. Four foot zero inch doors recommended.

(iii) EXISTING THREE FOOT EIGHT INCH DOORS ACCEPTABLE IN ALTERATIONS EXCEPT IN ALTERATIONS OF OPERATING ROOMS, MAJOR EMERGENCY TREATMENT ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, INTENSIVE CARE ROOMS, FRACTURE ROOMS OR X-RAY.

(iv) THREE FOOT ZERO INCH MINIMUM WIDTH FOR ALL DOORS WHICH MAY BE USED BY PERSONS IN WHEELCHAIRS INCLUDING PATIENT TOILETS AND BATHROOMS EXCEPT DOORS TO TOILETS AND BATHROOMS WHICH OPEN INTO PATIENT ROOMS SHALL BE NOT LESS THAN TWO FOOT SIX INCHES IN WIDTH.

(v) Doors to toilets adjoining patient rooms should not swing into toilet rooms.

(vi) Adequate width for receiving entrance doors, storeroom doors, and other doors through which large carts or bulk goods are transported.

(vii) VISION PANELS IN ALL DOUBLE-ACTING DOORS. Four inches wide by twenty-four inches high recommended.

(b) WINDOWS.

(i) REQUIRED IN PATIENT ROOMS EXCEPT LABOR ROOMS AND NURSERIES.

(ii) REQUIRED WINDOWS TO HAVE CLEAR GLASS AREA OF AT LEAST ONE-TENTH FLOOR AREA.

(iii) REQUIRED WINDOWS TO BE LOCATED IN OUTSIDE WALLS PERMITTING A SATISFACTORY AMOUNT OF UNOBSTRUCTED NATURAL LIGHT. No required windows should be located within twenty feet of another building or the opposite wall of a court or within ten feet of a property line except a street.

(iv) WINDOW SILLS OF REQUIRED WINDOWS IN PATIENT ROOMS NO HIGHER THAN THREE FOOT ZERO INCHES FROM THE FLOOR. GRADE<sup>37</sup> ADJACENT TO REQUIRED WINDOWS IN PATIENT ROOMS TO BE BELOW WINDOW SILL.

(c) SCREENS.

SIXTEEN MESH SCREEN OR EQUAL ON WINDOW OPENINGS WHICH SERVE FOR REQUIRED VENTILATION.

(5) FLOOR FINISHES, WALL SURFACES, AND CEILINGS.

(a) FLOOR FINISHES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) NONSLIP AT ENTRANCES AND OTHER AREAS SUBJECT TO TRAFFIC OR USE WHILE WET.

(iii) COVED BASES INTEGRAL WITH FLOORS OR TOPSET BASE TIGHT TO FLOORS AND WALLS.

(iv) ELECTRICALLY CONDUCTIVE IN AREAS WHERE FLAMMABLE ANESTHETIC GASES ARE TO BE USED PER NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), 99. SEE WAC 248-18-99902(1).

(v) SPECIFICATIONS FOR CARPETING IN NONPATIENT-OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBER WHICH MEETS THE STANDARDS OF THE STATE FIRE MARSHAL (See RCW 70.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TUFTS PER SQUARE INCH: MINIMUM SIXTY-FOUR OR EQUIVALENT DENSITY.

(C) PILE HEIGHT: FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .312 INCHES.

(D) PAD: MAY BE SEPARATE PAD.

(vi) SPECIFICATIONS FOR CARPETING IN PATIENT-OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBERS WHICH MEET THE STANDARDS OF THE STATE FIRE MARSHAL (See RCW 70.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TYPE: ROUND LOOP.

(C) PILE TUFTS PER SQUARE INCH: MINIMUM SIXTY-FOUR OR EQUIVALENT DENSITY.

(D) PILE HEIGHT: LEVEL PILE, FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .255 INCHES.

(E) BACKING: SHALL BE WATER IMPERVIOUS OR A WATER IMPERVIOUS PAD SHALL BE PERMANENTLY BONDED TO THE BACKING.

(vii) INSTALLATION OF CARPET MATERIAL:

(A) BONDED PAD CARPET MUST BE CEMENTED TO THE FLOOR WITH WATERPROOF CEMENT.

(B) EDGES OF CARPET MUST BE COVERED AND COVE OR BASE SHOE USED AT ALL WALL JUNCTURES. IF BROADLOOM CARPET IS USED, SEAMS ARE TO BE BONDED TOGETHER WITH MANUFACTURER RECOMMENDED CEMENT.

(C) SAFETY OF PATIENTS OR OCCUPANTS IS TO BE ASSURED DURING INSTALLATION. ROOMS MUST BE WELL-VENTILATED AND NOT BE USED BY RESIDENT OCCUPANTS OR PATIENTS DURING INSTALLATION. THE ROOM MAY NOT BE RETURNED TO USE UNTIL THE ROOM IS FREE OF VOLATILE FUMES AND ODORS FROM ADHESIVES.

(b) WALL SURFACES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) SMOOTH AND WASHABLE FINISH, (e.g., washable paint on smooth finish plaster or gypsum board as opposed to rough or exposed masonry finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT AND ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND IN CLINICAL LABORATORIES.

(iii) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS AND LABOR ROOMS.

(iv) A WATERPROOF PAINTED, GLAZED, OR SIMILAR WATERPROOF FINISH EXTENDING

ABOVE THE SPLASH LINE IN ALL ROOMS OR AREAS THAT ARE SUBJECT TO SPLASH OR SPRAY.

(v) Wainscot of five feet minimum height of a durable surface in operating rooms, delivery rooms, emergency rooms, treatment rooms, and corridors.

(vi) External angles protected by corner guards to resist impact in areas of heavy traffic.

(c) CEILINGS:

(i) EIGHT FOOT MINIMUM HEIGHT, EXCEPTIONS MAY BE PERMITTED IN MINOR AUXILIARY ROOMS.

(ii) NINE FOOT MINIMUM HEIGHT IN OPERATING ROOMS, DELIVERY ROOMS, AND SIMILAR ROOMS HAVING SPECIAL CEILING-MOUNTED LIGHT FIXTURES. Higher ceilings may be needed for some types of equipment.

(iii) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iv) SMOOTH AND WASHABLE FINISH, (e.g., washable paint on smooth finish plaster or gypsum board as opposed to fissured tile or rough finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT, AND IN ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND CLINICAL LABORATORIES. NO EXPOSED DUCTWORK AND PIPING.

(v) SMOOTH AND WASHABLE FINISH WITHOUT VISIBLE JOINTS OR CREVICES IN AREAS WHERE SURGICAL ASEPSIS MUST BE ASSURED SUCH AS OPERATING ROOMS, DELIVERY ROOMS, AND EMERGENCY TREATMENT ROOMS.

(vi) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS, LABOR ROOMS, AND BIRTHING ROOMS.

(vii) FINISH THAT MINIMIZES REFLECTION OF ULTRAVIOLET RADIATION IN TUBERCULOSIS ISOLATION ROOMS.

(viii) CEILINGS OF PATIENT ROOMS IN PSYCHIATRIC NURSING UNITS, SECURITY, AND SECLUSION ROOMS SHALL BE OF MONOLITHIC OR BONDED CONSTRUCTION.

(ix) Sound-absorptive treatment in corridors of patient areas, nurses' stations, dining rooms, and hydrotherapy rooms.

(6) PLUMBING AND SEWERAGE.

(a) PLUMBING AND SEWERAGE. CONSTRUCTED IN ACCORDANCE WITH THE UNIFORM PLUMBING CODE, OR EQUIVALENT LOCAL CODE. SEE WAC 248-18-99902(3).

(b) WATER SUPPLY.

(i) AN ADEQUATE WATER SUPPLY WHICH CONFORMS TO THE QUALITY STANDARDS OF CHAPTER 248-54 WAC.

(ii) TEMPERATURE OF HOT WATER AT BATHING FIXTURES THERMOSTATICALLY CONTROLLED NOT TO EXCEED ONE HUNDRED TWENTY DEGREES FAHRENHEIT.

(iii) THERMOSTATICALLY CONTROLLED HOT WATER HEATING EQUIPMENT OF SUFFICIENT CAPACITY TO SUPPLY SIX AND ONE-HALF GALLONS OF ONE HUNDRED TWENTY DEGREE FAHRENHEIT WATER PER HOUR PER BED FOR GENERAL USE, MEASURED AT POINT OF USE. AN ADEQUATE AMOUNT OF WATER AT NOT LESS THAN ONE HUNDRED SIXTY DEGREES FAHRENHEIT FOR LAUNDRY, MECHANICAL DISHWASHERS, AND OTHER SPECIAL MECHANICAL WASHERS. TEMPERATURE MEASURED AT POINT OF USE.

(iv) CIRCULATING SYSTEMS AS NECESSARY TO ENSURE A READY SUPPLY OF HOT WATER AT FIXTURES.

(c) INSULATION.

(i) HOT WATER PIPING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE FOR SAFETY.

(ii) COLD WATER AND DRAINAGE PIPING INSULATED AS REQUIRED TO CONTROL CONDENSATION.

(iii) AVOID EXPOSING PIPING TO FREEZING TEMPERATURES. IF UNAVOIDABLE, DESIGN TO PREVENT FREEZING.

(d) SEWERAGE.

(i) SEWAGE DISPOSAL SYSTEM IN CONFORMANCE WITH (~~WAC 248-50-100 AND~~) CHAPTER 248-92 OR 248-96 WAC CODIFIED RULES, REGULATIONS AND STANDARDS OF THE STATE BOARD OF HEALTH.

(ii) FLOOR DRAINS IN AREAS WITHOUT DAILY WASHDOWN SHALL HAVE TRAP PRIMERS.<sup>24</sup>

(e) PLUMBING FIXTURES.

(i) Bedpan lugs or slot fixtures on water closets not recommended.

(ii) DESIGNED AND INSTALLED TO BE EASILY CLEANED, MAINTAINED, AND SUITABLE TO THE INTENDED USE.<sup>24</sup> ADEQUATE SUPPORT FOR FIXTURES.

(iii) LAVATORIES PROVIDED IN EACH TOILET ROOM EXCEPT WHERE PROVIDED IN CONNECTING PATIENT ROOM, DRESSING ROOM, OR LOCKER ROOM.

(iv) DRINKING FOUNTAINS OR EQUIVALENT AT SUITABLE LOCATIONS.<sup>24</sup>

(v) SINKS IN WHICH UTENSILS AND EQUIPMENT ARE TERMINALLY CLEANED TO BE DOUBLE COMPARTMENT OF ADEQUATE SIZE AND DEPTH (Recommended each compartment 20 x 22 x 14 or similar) WITH ADEQUATE COUNTER SPACE ON BOTH SIDES.<sup>24</sup>

(vi) EACH FIXTURE, EXCEPT WATER CLOSETS AND SPECIAL USE FIXTURES, PROVIDED WITH HOT AND COLD WATER THROUGH A MIXING OUTLET.

(vii) DEVICES TO PREVENT BACKFLOW ON WATER SUPPLY TO FIXTURES OR GROUP OF FIXTURES WHERE THE USE OF EXTENSION HOSES AND TUBE CLEANING EQUIPMENT IS

ANTICIPATED, (e.g., sinks in laboratory, central service, garbage can wash area, and housekeeping facilities and mechanical areas). Also refer to chapter 248-54 WAC.

(viii) NONSKID FLOOR SURFACES IN TUBS AND SHOWERS.

(f) FITTINGS.

(i) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT ON LAVATORIES IN PATIENT ROOMS AND IN TOILETS ADJOINING PATIENT ROOMS EXCEPT THOSE FOR PSYCHIATRIC PATIENTS TO BE IN ACCORDANCE WITH PROGRAM REQUIREMENTS.

(ii) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT<sup>41</sup> ON ALL LAVATORIES AND SINKS FOR PERSONNEL USE WHERE REQUIRED TO CONTROL CROSS INFECTION, (e.g., nursing service areas including isolation rooms, laboratory, and physical therapy), UNLESS THE FIXTURE IS USED FOR SOILED FUNCTIONS ONLY AND ANOTHER SINK OR LAVATORY WITH WRIST, KNEE, OR FOOT CONTROLS OR EQUIVALENT<sup>41</sup> IS LOCATED IN THE SAME AREA OF THE ROOM. FAUCET CONTROLS ON LAVATORIES IN NEWBORN NURSERY UNITS, NEONATAL INTENSIVE CARE UNITS, BIRTHING ROOMS, AND ALL SCRUB SINKS TO BE KNEE OR FOOT CONTROLS OR EQUIVALENT.<sup>41</sup> Wrist blades permitted at lavatory when handwashing facility with foot, knee, or equivalent faucet control is located close to birthing room or rooms.

(iii) WRIST CONTROLS TO HAVE A MINIMUM OF FOUR INCH SPACE BETWEEN BACK SPLASH AND ENDS OF CONTROLS AT FULL CLOSED POSITION AND A MINIMUM OF FOUR INCH SPACE BETWEEN THE END OF CONTROLS AND THE WATER SPOUT IN THE FULL OPEN POSITION.

(g) ACCESSORIES.

(i) BACKING FOR MOUNTING TO SUPPORT THE INTENDED USE OF ALL ACCESSORIES.

(ii) SUITABLE SHELF OR EQUIVALENT, AND MIRROR AT EACH LAVATORY IN TOILET ROOMS, PATIENT ROOMS, BIRTHING ROOMS, DRESSING ROOMS, AND LOCKER ROOMS.

(iii) TOWEL BAR OR HOOK AT EACH BATHING FACILITY. Optional in psychiatric unit.<sup>24</sup>

(iv) ROBE HOOK AT EACH BATHING FACILITY, WATER CLOSET, DRESSING ROOM, AND EXAMINATION ROOM. Optional in psychiatric unit.<sup>24</sup>

(v) TOILET PAPER HOLDER PROPERLY LOCATED AT EACH WATER CLOSET.

(vi) WHEN PROGRAM INCLUDES BEDPAN BRUSHES, PROVISION FOR KEEPING BEDPAN BRUSH OFF THE FLOOR.

(vii) PROVISION FOR OFF THE FLOOR PLACEMENT OF SUPPLIES AND EQUIPMENT IN PATIENT TOILETS. THIS PROVISION SHALL

BE SEPARATE AND DISTINCT FROM LAVATORY SHELF.

(viii) AT LEAST ONE GRAB BAR OF SUITABLE STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION, AND FUNCTIONAL DESIGN SECURELY MOUNTED AND PROPERLY LOCATED AT EACH ISLAND TUB AND WATER CLOSET FOR PATIENTS. Horizontal grab bars should extend at least eighteen inches in front of water closet. WHEN A LAVATORY IS LOCATED ADJACENT TO A WATER CLOSET AND WITHIN EIGHTEEN INCHES OF THE CENTER LINE OF THE WATER CLOSET, IT SHALL BE MOUNTED TO SUPPORT A THREE HUNDRED POUND LIVE LOAD WITHOUT PERMANENT DEFLECTION. GRAB BAR OR BARS OF SUITABLE STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION, OF FUNCTIONAL DESIGN, SECURELY MOUNTED, AND PROPERLY LOCATED AT EACH STANDARD BATHTUB AND SHOWER ON TWO SIDES. May be omitted at water closets and bathing facilities for seclusion and security rooms.

(ix) DISPENSERS FOR SINGLE USE TOWELS AT ALL LAVATORIES AND SINKS MOUNTED TO AVOID CONTAMINATION FROM SPLASH AND SPRAY.

(x) SUITABLE PROVISION FOR SOAP AT EACH LAVATORY, SINK, AND BATHING FACILITY.

(xi) Paper cup dispensers at all lavatories except in soiled areas, lavatories in patient rooms, and toilet rooms adjoining patient rooms.

(xii) Properly located dispenser for seat covers at each water closet.

(xiii) Sanitary napkin dispenser and disposer or covered waste container (step-on-can) in each women's toilet room except inpatient toilets.

(h) NONFLAMMABLE MEDICAL GAS SYSTEMS IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 56F. SEE WAC 248-18-99902(4).

(i) Clinical vacuum (suction) systems in accordance with the recommendations of Compressed Gas Association, Inc., Pamphlet Number P-2.1, except the zone valves may be omitted. See WAC 248-18-99902(11).

(7) HEATING. Recommend use of ASHRAE Handbook series. See WAC 248-18-99902(2).

(a) A HEATING SYSTEM ADEQUATE TO MAINTAIN SEVENTY-FIVE DEGREES FAHRENHEIT MINIMUM TEMPERATURE IN EACH ROOM AND OCCUPIED SPACE.

(b) HEAT SUPPLY FOR EACH PATIENT ROOM PROVIDED WITH INDIVIDUAL THERMOSTATIC CONTROL. Manual or zone control acceptable for existing facility alteration projects. Individual room thermostatic control recommended for all rooms. HEATING SYSTEM SUITABLY ZONED (e.g., by exposure and usage of areas) AND THERMOSTATICALLY CONTROLLED UNLESS INDIVIDUAL ROOMS THERMOSTATICALLY CONTROLLED.

(c) Standby heat supply to operating rooms, delivery rooms, birthing rooms, recovery rooms, nurseries, all intensive care units, and other selected areas so that they may be heated at times when the general building heating system is not operating.

(d) PIPING THROUGHOUT BUILDING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE FOR SAFETY.

(8) VENTILATION AND AIR CONDITIONING. USE ASHRAE HANDBOOK SERIES REFERRED TO IN WAC 248-18-99902(2).

(a) ALL ROOMS AND AREAS ADEQUATELY VENTILATED BY MECHANICAL MEANS. (Refer to Table B) DESIGN OF SYSTEM TO PREHEAT COLD OUTSIDE AIR MAKEUP. Gravity acceptable for gas storage rooms, mechanical rooms, and similar areas.

(b) Approved recovery systems to reclaim heat from exhausts are recommended for energy conservation. DESIGN AND INSTALLATION OF HEAT RECOVERY EQUIPMENT TO CONTROL CROSS CONTAMINATION.

(c) ALL FANS SERVING EXHAUST SYSTEMS SHALL BE LOCATED AT THE DISCHARGE END OF THE SYSTEM OR THE SYSTEMS DESIGNED TO PREVENT LEAKAGE TO OCCUPIED AREAS.

(d) DESIGN OF AIR DISTRIBUTION AND BALANCING OF AIR SYSTEMS: TO MAINTAIN APPROPRIATE PRESSURE GRADIENTS AMONG ADJOINING ROOMS AND AREAS TO CONTROL AIR FLOWS IN ACCORDANCE WITH THE RELATIVE DEGREE OF PROTECTION REQUIRED FROM THE SPREAD OF ODORS, MOISTURE, TOBACCO SMOKE, AND CONTAMINANTS, i.e., flow from relatively clean areas to relatively soiled areas. Refer to Table B. Balance for appropriate positive and negative gradients should be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door.)

(e) EXHAUST HOODS OR OTHER APPROVED EXHAUST DEVICES.

(i) LOCATED OVER EQUIPMENT LIKELY TO PRODUCE EXCESSIVE HEAT, MOISTURE, ODORS, OR CONTAMINANTS, (e.g., kitchen, laundry, sterilizing and dishwashing equipment, laboratory and special work areas) PROPERLY DESIGNED FOR INTENDED USE.

(ii) LABORATORY HOODS WHERE INFECTIOUS MATERIALS ARE HANDLED. See WAC 248-18-99902(7) for recommended publications.

(A) MINIMUM FACE VELOCITY OF SEVENTY-FIVE FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH THE EXHAUST FAN LOCATED AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO FILTER ENCLOSURE.

(D) FILTERS WITH 99.97 PERCENT EFFICIENCY (DIOCTYL-PHTHALATE, (DOP), TEST METHOD) IN THE EXHAUST STREAM.

(E) DESIGNED AND EQUIPPED TO PERMIT THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(F) CHEMICAL FUME HOODS SHALL NOT BE USED FOR HANDLING INFECTIOUS MATERIALS.

(iii) LABORATORY HOODS WHERE STRONG OXIDIZING AGENTS, (e.g., perchloric acid), ARE PROCESSED,

(A) MINIMUM FACE VELOCITY OF ONE HUNDRED FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH EXPLOSION PROOF EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT OF WELDED STAINLESS STEEL OR EQUIVALENT THROUGHOUT THE EXHAUST SYSTEM.

(D) HOOD AND EXHAUST DUCT SYSTEM EQUIPPED WITH COMPLETE COVERAGE WASHDOWN FACILITIES.

(iv) HOODS WHERE RADIOACTIVE PARTICULATE AEROSOLS MAY BE RELEASED.

(A) MINIMUM FACE VELOCITY OF ONE HUNDRED FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH THE EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO THE FILTER ENCLOSURE.

(D) FILTERS WITH 99.97 PERCENT EFFICIENCY (DIOCTYL-PHTHALATE, (DOP) TEST METHOD) IN THE EXHAUST STREAM.

(E) DESIGNED AND EQUIPPED FOR THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(f) ALL CENTRAL VENTILATION OR AIR CONDITIONING SYSTEMS EQUIPPED WITH FILTERS.

(i) NUMBER OF FILTER BEDS AND FILTER EFFICIENCIES NO LESS THAN THOSE SPECIFIED IN TABLE A.

(ii) FILTER BED NO. 2 SHALL BE DOWNSTREAM OF THE LAST COMPONENT OF ANY CENTRAL AIR HANDLING UNIT, EXCEPT A STEAM INJECTION TYPE HUMIDIFIER MAY BE DOWNSTREAM OF FILTER BED NO. 2. TERMINAL COOLING COILS (EXCEPT INDUCTION UNITS, FAN COIL UNITS OR EQUIVALENT INDIVIDUAL ROOM UNITS (REFER TO SUBSECTION (8)(g) OF THIS SECTION) DOWNSTREAM OF FILTER BED NO. 2 SHALL HAVE ADDITIONAL FILTRATION MEETING REQUIREMENTS OF FILTER BED NO. 2.

TABLE A  
FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR CONDITIONING SYSTEMS IN GENERAL HOSPITALS

AREA DESIGNATION	MINIMUM NUMBER OF FILTER BEDS	FILTER EFFICIENCIES (Percent)***	
		FILTER BED NO. 1	FILTER BED NO. 2
Sensitive areas*	2	25	90****
Patient care, treatment Diagnostic, and related areas	2	25	90**
Food preparation areas and laundries	1	80	—
Administrative, bulk storage, and soiled holding areas	1	25	—

\* Includes surgical suites, delivery suites, nursery units, recovery rooms, special procedure rooms (cardiac catheterizations), and all intensive care units. Birthing, labor, and postpartum rooms not within the delivery suite are excluded.

\*\* May be reduced to eighty percent for systems using all-outdoor air.

\*\*\* PER REQUIREMENTS OF ASHRAE STANDARD 52 IN WAC 248-18-99902(14).

\*\*\*\*99.97 PERCENT EFFICIENCY FOR RECIRCULATING AIR IN OPERATION ROOMS - REFERENCE TABLE B.

(iii) FILTER FRAMES WITH AIRTIGHT SEAL TO THE ENCLOSING DUCTWORK BY USE OF GASKETS OR EQUIVALENT.

(iv) A MANOMETER SHALL BE INSTALLED ACROSS EACH FILTER BED SERVING SENSITIVE AREAS (Refer to Table A) OR CENTRAL AIR SYSTEMS.

(g) NONCENTRAL SUPPLY VENTILATION SYSTEMS, i.e., fan coil units or equivalent individual room units.

(i) IN SENSITIVE AREAS (Refer to Table A) SHALL MEET THE FILTERING OBJECTIVES FOR CENTRAL SYSTEMS.

(ii) IN AREAS OTHER THAN SENSITIVE AREAS OUTDOOR AIR FOR INDIVIDUAL ROOM UNITS SHALL MEET FILTERING REQUIREMENTS FOR CENTRAL SYSTEMS UNDER TABLE A. RECIRCULATED AIR TO INDIVIDUAL ROOM UNITS NEED NOT BE FILTERED (lint screen and/or filter recommended).

(h) AIR HANDLING DUCT SYSTEMS.

(i) IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION 90A. SEE WAC 248-18-99902(5).

(ii) BUILDING CEILING SPACES USED FOR EXHAUST PLENUMS SHALL BE RESTRICTED TO ADMINISTRATIVE, PUBLIC WAITING, AND PUBLIC MEETING AREAS. May be permitted in other areas only upon written approval of such use by the department.

(iii) NONEROSIVE WEARING SURFACES ARE REQUIRED FOR FIBERGLASS SUPPLY DUCTS (PER UL STANDARDS 181-15 IN WAC 248-18-99902(9)) AND/OR "DUCT LINER APPLICATION STANDARD" PER SMACNA. SEE WAC 248-18-99902(10), IF INSTALLED.

(iv) NINETY PERCENT EFFICIENCY FILTERS DOWNSTREAM OF LININGS SERVING SENSITIVE AREAS (Refer to Table A) EXCEPT LINING



OF TERMINAL UNITS MEETING THE REQUIREMENTS OF SUBSECTION (8)(h)(iii) of this section.

(i) AIR SUPPLY AND EXHAUSTS LOCATIONS CONFORM TO UNIFORM MECHANICAL CODE WITH ADDITIONAL REQUIREMENTS. SEE WAC 248-18-99902(8).

(i) AIR SUPPLY INTAKES LOCATED TO ENSURE A SOURCE OF FRESH AIR (preferably above the roof or high on an exterior wall to avoid sources of contamination or pollution).

(ii) EXHAUST AIR DISCHARGE LOCATED TO AVOID CROSS CIRCULATION TO SUPPLY AIR INTAKES OR OPERABLE WINDOWS. Separation distances dependent upon factors such as air volumes, wind directions, and building configurations.

(j) OPERATING ROOMS, DELIVERY ROOMS, NEWBORN NURSERY ROOMS, NEONATAL INTENSIVE CARE UNITS AND THEIR ANCILLARY FACILITIES MECHANICALLY VENTILATED TO PROVIDE ONE HUNDRED PERCENT FRESH AIR WITHOUT RECIRCULATION EXCEPT AS PROVIDED IN TABLE B. Recommended for birthing rooms, labor rooms, recovery rooms, and all intensive care units. Refer to Table B.

(k) VENTILATION SYSTEMS FOR ANESTHETIZING LOCATIONS USING FLAMMABLE ANESTHETICS SHALL MEET THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA), 99. SEE WAC 248-18-99902(1).

(l) AIR CONDITIONING TO ADEQUATELY CONTROL TEMPERATURE, AIR CHANGES AND AIR MOTION OF OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, RECOVERY ROOM, NEWBORN NURSERY FACILITIES, NEONATAL INTENSIVE CARE NURSERY ROOMS, INTENSIVE CARE, AND CARDIAC INTENSIVE CARE UNITS. Recommended in all patient care areas.

(m) RELATIVE HUMIDITY.

(i) OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, ANESTHETIZING LOCATIONS, INTENSIVE CARE PATIENT ROOMS, AND RECOVERY ROOMS, FORTY PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-TWO DEGREES FAHRENHEIT.

(ii) NEWBORN NURSERY FACILITIES AND NEONATAL INTENSIVE CARE ROOMS, FORTY-FIVE PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-FIVE DEGREES FAHRENHEIT.

(n) FIRE SHUTDOWN, AS REQUIRED BY NATIONAL FIRE PROTECTION ASSOCIATION 90A, BY BOTH MANUAL CONTROL AND EITHER OF THE FOLLOWING OPTIONS FOR AUTOMATIC SHUTDOWN (SEE WAC 248-18-99902(5)):

(i) TOTAL SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS AND SMOKE DAMPERS IN VENTILATION SYSTEM, AND SHUTTING DOWN SUPPLY FAN OR FANS AND EXHAUST FAN OR FANS.

(ii) SELECTIVE SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS, AND ACTUATING ONLY SMOKE DAMPERS IN RECIRCULATION SYSTEM TO EXHAUST ALL RECIRCULATED AIR. ONLY THE SMOKE DETECTOR ON THE DOWNSTREAM SIDE OF THE LAST COMPONENT OF THE CENTRAL SUPPLY SYSTEM SHALL SHUT DOWN THE SUPPLY AND EXHAUST VENTILATION SYSTEMS AND SHALL CLOSE ALL SMOKE DAMPERS. This selective shutdown option is recommended for hospitals having multiventilation systems.

(o) VENTILATION REQUIREMENTS ARE SUMMARIZED IN TABLE B FOR TYPICAL HOSPITAL AREAS. THOSE AREAS NOT SPECIFICALLY DESIGNATED SHALL COMPLY WITH REQUIREMENTS FOR COMPARABLE AREAS.

TABLE B GENERAL PRESSURE RELATIONSHIPS AND VENTILATION<sup>6</sup> OF CERTAIN HOSPITAL AREAS

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS <sup>10</sup>	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM <sup>8</sup>	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
A. ANESTHETIZING AREAS					
1. Delivery and Operating Rooms	PP <sup>1</sup>	15	15 <sup>5</sup>	Yes	No <sup>9</sup>
2. Dental Operating Rooms	P	8	8	Yes	No
3. Endoscopy Room	P	8	8	Yes	No
4. Emergency Major Treatment Rooms	N	5	12	Yes	No
5. Outpatient Operating and/or Treatment Rooms	PP <sup>1</sup>	5	15 <sup>4</sup>	Yes	No
6. Special Procedures Rooms (Cardiac Catheterizations)	PP <sup>1</sup>	12	12	Yes	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS <sup>10</sup>	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM <sup>8</sup>	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
<b>B. CENTRAL SERVICE</b>					
1. Cart Wash Room or Area	N	2	10	Yes	No
2. Clean & Sterile Storage Room	PP	2	2	Optional	No <sup>3</sup>
3. Clean Work Room	P	2	4	Optional	No <sup>3</sup>
4. Clean Equipment Storage Room	P	2	2	Optional	Optional
5. Decontamination Area or Room	NN	2	12	Yes	No
6. Sterilizer Access Service Room	NN	Optional	12	Yes	No
7. Sterilizing Area	P	2	4	Optional	No <sup>3</sup>
<b>C. GENERAL</b>					
1. Administrative Areas: i.e., Offices, Admitting Facilities, Registration, Staff On-Call Rooms, etc.	P	2	2	Optional	Optional
2. Bathing and Wet Treatment Facilities: i.e., Showers, Tubs, Sitz Baths, Hydrotherapy.	N	2	10	Yes	No
3. Clean Facilities: Utility or Work Rooms, Medicine Preparation Areas, Holding and Storage Rooms.	P	2	4	Optional	No <sup>3</sup>
4. Corridors, General Circulating.	P and N <sup>2</sup>	2	2	Optional	Optional
5. Entrances	P	Optional	2	Optional	Optional
6. Housekeeping Facilities: i.e., Janitor Closets, Trash Chutes or Trash Storage Rooms	N	Optional	10	Yes	No
7. Lounges, Locker & Dressing Rooms	N	Optional	10	Yes	No
8. Nurses Station & Unit Dose Medicine Cart Areas	P	2	4	Optional	Optional
9. Receiving & Stores Incl. Breakout Area	N	Optional	2	Optional	Optional
10. Scrub-up Area	P	2	2	Optional	No
11. Soiled Facilities: Utility or Work Rooms, Holding, Bedpan, Clean-up, Linen & Storage.	N	2	10	Yes	No
12. Toilet Rooms	N	Optional	10	Yes	No
13. Waiting Rooms, Conference, Solariums, Day Rooms, or Other Smoking Areas.	N	2	2	Yes	No
14. Mechanical Rooms	N	Optional	2	Yes	No
<b>D. KITCHEN AND DIETARY</b>					
1. Bulk Day Food Storage Room	E or P	Optional	2	Optional	Optional
2. Cafeteria or Dining Room	E or N	6	8	Optional	Optional
3. Dishwashing Room or Area	NN	4	8	Yes	No
4. Garbage Storage and Can Washing Area	NN	Optional	10	Yes	No
5. Kitchen	NN	4	8	Yes	No
<b>E. LABORATORY</b>					
1. Autopsy Room and Morgue	NN	2	12	Yes	No
2. Bacteriology	NN	2	12	Yes	No
3. Blood Drawing Area or Room	P	2	4	Optional	Optional
4. General Laboratory	N	2	10	Yes	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS <sup>10</sup>	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM <sup>8</sup>	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
Rooms, i.e., Hematology, Pathology.					
5. Media Preparation and Transfer Room	P	2	4	Optional	No
6. Decontamination Area	NN	2	12	Yes	No
F. LAUNDRY					
1. Clean Linen Storage	P	2	2	Optional	No <sup>3</sup>
2. Clean Sorting, Folding & Ironing	P	2	6	Yes	No <sup>3</sup>
3. Detergent & Supply Storage Room	N	Optional	2	Optional	Optional
4. Processing, Washing and Drying	P	4	10	Yes	No
5. Soiled Sorting and Storage	N	Optional	10	Yes	No
G. PATIENT CARE AREAS					
1. Acute Cardiac Care and Intensive Care Patient Rooms	PP	2	6 <sup>4</sup>	Optional	No <sup>3, 7</sup>
2.a Birthing Room, High Risk <sup>24</sup>	P	6	6 <sup>4</sup>	Optional	No <sup>7</sup>
2.b Birthing Room, Low Risk <sup>24</sup>	P	2	2 <sup>4</sup>	Optional	No <sup>7</sup>
3. Examination Rooms	E or P	2	6	Optional	No <sup>3</sup>
4. Electroencephalogram (EEG), Electromyogram (EMG), & Electrocardiogram (ECG or EKG)	E or P	2	6	Optional	Optional
5. Isolation Room, Airborne	NN	2	6	Yes	No <sup>7</sup>
6. Isolation Room, Protective	P	4	4	Yes	No <sup>7</sup>
7. Isolation Anteroom	NN	2	10	Yes	No <sup>7</sup>
8. Isolation Room with Anteroom	Optional	2	6	Yes	No <sup>7</sup>
9. Labor Room	E or P	2	2 <sup>4</sup>	Optional	No <sup>3</sup>
10. Neonatal Intensive Care Room	PP <sup>1</sup>	6	6 <sup>5</sup>	Optional	No
11. Newborn Nursery Room	PP <sup>1</sup>	6	6 <sup>5</sup>	Optional	No
12. Observation Rooms (Outpatient & Emergency Departments)	N	2	6	Yes	No
13. Patient Rooms	E or P	2	2	Optional	Optional
14. Recovery Rooms	PP <sup>1</sup>	2	6 <sup>4</sup>	Optional	No
15. Physical Therapy Treatment Rooms	N	2	6	Optional	Optional
Hydrotherapy	N	2	10	Yes	No
16. Pulmonary & Inhalation Therapy Treatment Rooms	E or P	2	2	Yes	No
H. PHARMACY					
1. Compounding & Dispensing Areas	P	2	2	Optional	No <sup>3</sup>
2. Intravenous Additive Room	PP	2	2	Optional	No <sup>3</sup>
I. RADIOLOGY					
1. C.A.T., General & Ultrasound Rooms	E or P	2	6	Optional	Optional
2. Darkroom	N	2	6	Yes	No
3. Film Viewing & Storage Room	E	2	4	Optional	Optional
4. Fluoroscopy Rooms	N	2	6	Yes	No
5. Nuclear Diagnostic Rooms	E or N	2	4	Optional	Optional
6. Radiation Therapy Treatment Rooms	N	2	6	Yes	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS <sup>10</sup>	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM <sup>8</sup>	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
7. Special Procedures Rooms, i.e., Angiography, etc.	P	2	6	Optional	No

CODES

P = POSITIVE  
 N = NEGATIVE  
 E = EQUAL  
 PP = STRONGLY POSITIVE  
 NN = STRONGLY NEGATIVE

REFERENCE NOTATIONS:

- <sup>1</sup> THE SEGREGATED SURGICAL, DELIVERY, COMBINED SURGICAL-DELIVERY SUITES, OTHER OPERATING ROOM SUITES, NEONATAL INTENSIVE CARE UNIT, AND THE NEWBORN NURSERY UNIT FACILITIES SHALL BE POSITIVE TO THE OUTSIDE CORRIDOR.
- <sup>2</sup> GENERAL CIRCULATING CORRIDORS SHALL BE POSITIVE TO THE EXTERIOR, I.E., ELEVATORS, STAIRWELLS, EXIT DOORS, AND SHALL BE NEGATIVE TO PATIENT ROOMS.
- <sup>3</sup> Recirculating room induction type units meeting the appropriate filtering requirements in Table A, WAC 248-18-718 (8)(g)(ii) are acceptable.
- <sup>4</sup> Recommend one hundred percent fresh outdoor air supplied to room.
- <sup>5</sup> THESE ROOMS AND THEIR ANCILLARY FACILITIES SHALL BE SUPPLIED WITH ONE HUNDRED PERCENT OUTSIDE (FRESH) AIR.
- <sup>6</sup> Heat recovery systems should be utilized for exhaust air.
- <sup>7</sup> MAY BE VENTILATED BY TERMINAL REHEAT UNITS IF THE UNITS CONTAIN ONLY A REHEAT COIL AND ONLY THE PRIMARY AIR (SUPPLIED FROM A CENTRAL SYSTEM) PASSES THROUGH THE REHEAT COIL.
- <sup>8</sup> INCLUDES ONLY THE QUANTITIES OF AIR WHICH PASS THROUGH A FILTER BED LISTED IN TABLE A. DOES NOT INCLUDE THE QUANTITY OF SECONDARY AIR ENTERING AN INDUCTION UNIT.
- <sup>9</sup> UNIDIRECTIONAL FLOW RECIRCULATING AIR SYSTEMS CONTAINED WITHIN ROOM UNITS AND MEETING THE FILTERING REQUIREMENTS FOR SENSITIVE AREAS (TABLE A) MAY BE USED.
- <sup>10</sup> Balance for appropriate positive and negative gradients should be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door.)
- <sup>12</sup> In accordance with program.

(9) INCINERATION FACILITIES.

(a) May be omitted if another approved method of disposal is used.

(b) INCINERATOR OF ADEQUATE SIZE AND DESIGN, LOCATED AND DESIGNED TO PREVENT OBJECTIONABLE HEAT, SMOKE, AND ODORS. (Separate room or outside area.)

(c) SUPPLEMENTAL FUEL FIRED FOR COMPLETE COMBUSTION.

(d) CHUTE-FED INCINERATORS NOT PERMITTED.

(10) ELECTRICAL SYSTEMS AND EMERGENCY ELECTRICAL SERVICE.

(a) In addition to specific requirements of this section, codes adopted by the Washington state department of labor and industries should be consulted.

(b) ELECTRICAL SYSTEMS AND EQUIPMENT IN CONFORMANCE WITH NFPA, 99, (SEE WAC 248-18-99902(1)) IN AREAS WHERE INHALATION ANESTHETICS ARE TO BE USED (such as operating rooms, delivery rooms, and major emergency treatment rooms).

(c) RECEPTACLE OUTLETS AND CIRCUITS. Placement of convenient receptacle outlets to avoid a need for the use of extension cords.

(i) MINIMUM OF SIX RECEPTACLE OUTLETS IN OPERATING AND DELIVERY ROOMS; MINIMUM OF FOUR RECEPTACLE OUTLETS IN EMERGENCY TREATMENT ROOMS, BIRTHING ROOMS, ANESTHETIZING LOCATIONS, AND SPECIAL PROCEDURES ROOMS. At least one receptacle outlet on each available wall; ADDITIONAL AS REQUIRED.<sup>24</sup>

(ii) AT LEAST TWO DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED, IN PATIENT ROOMS (INCLUDING LABOR, BIRTHING ROOMS, AND RECOVERY), three duplex receptacles at head of each bed recommended. ONE DUPLEX RECEPTACLE AT HEAD OF EACH BED IN PSYCHIATRIC UNITS.<sup>24</sup>

(iii) FOUR DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED IN INTENSIVE CARE<sup>43</sup> PATIENT ROOMS. AT LEAST SIX DUPLEX RECEPTACLES

(OR EQUIVALENT)<sup>42</sup> FOR EACH INFANT STATION IN NEONATAL INTENSIVE CARE UNITS.<sup>43</sup>

(iv) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)<sup>42</sup> FOR EVERY TWO BASSINETS FOR FULL-TERM INFANTS.

(A) AT LEAST ONE INFANT STATION EQUIPPED WITH THREE DUPLEX RECEPTACLES except when premature nursery provided.

(B) AT LEAST TWO DUPLEX RECEPTACLES FOR EACH BASSINET AND INCUBATOR FOR PREMATURE INFANTS.

(v) CIRCUITS SERVING RECEPTACLES AT THE HEAD OF EACH BED IN ALL INTENSIVE CARE UNITS<sup>43</sup> SHALL SERVE NO OTHER RECEPTACLES OR OUTLETS.

(vi) LIMITED TO SIX DUPLEX RECEPTACLES PER TWENTY AMP CIRCUIT IN ALL PATIENT CARE AREAS, INCLUDING OUTPATIENT CARE AREAS. LIMITED TO THREE DUPLEX RECEPTACLES PER TWENTY AMP CIRCUIT SERVING PATIENT BEDS IN ALL INTENSIVE CARE UNITS.<sup>43</sup>

(vii) AT LEAST ONE ADDITIONAL DUPLEX RECEPTACLE (OR EQUIVALENT)<sup>42</sup> AT A SEPARATE CONVENIENT LOCATION IN EACH PATIENT ROOM (INCLUDING LABOR, RECOVERY, AND ALL INTENSIVE CARE ROOMS).<sup>43</sup> ADDITIONAL RECEPTACLE IF TELEVISION IS PROVIDED.

(viii) HOSPITAL GRADE RECEPTACLES IN RECOVERY ROOMS, OTHER THAN HAZARDOUS ANESTHETIZING LOCATIONS, AND ALL INTENSIVE CARE PATIENT ROOMS AND TREATMENT AREAS. Recommended in other patient care areas.

(ix) RECEPTACLES IN ROOMS USED BY PEDIATRIC OR PSYCHIATRIC PATIENTS SHALL BE A TAMPER-PROOF OR SAFETY TYPE DEVICE. RECEPTACLES IN PSYCHIATRIC SECLUSION AND SECURITY ROOMS PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTERS AND TAMPER-PROOF SCREWS. Receptacles in seclusion rooms not recommended.

(x) ONE RECEPTACLE OVER OR ADJACENT TO LAVATORY FOR INPATIENT USE, PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTER.

(xi) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)<sup>42</sup> PER FOUR LINEAR FEET OF COUNTER IN LABORATORY FACILITIES. SURFACE METAL RACEWAYS, IF USED, SHALL INCLUDE AN EQUIPMENT GROUNDING CONDUCTOR CONNECTED TO EACH RECEPTACLE.

(d) LIGHTING FIXTURES.

(i) NUMBER, TYPE, AND LOCATION OF LIGHTING FIXTURES TO PROVIDE ADEQUATE ILLUMINATION FOR THE FUNCTIONS OF EACH AREA PER IES HANDBOOK: APPLICATION VOLUME. SEE WAC 248-18-99902(12).

(ii) READING LIGHT<sup>6</sup> CONVENIENTLY LOCATED FOR USE BY THE PATIENT AT EACH

BED IN PATIENT ROOMS. CONTROL CONVENIENT FOR PATIENT USE. Freestanding bedside lamps not recommended.

(iii) SUITABLE LIGHT AT LAVATORIES IN PATIENT ROOMS AND PATIENT TOILET ROOMS. See "toilet" in IES Handbook: Application Volume, per WAC 248-18-99902(12).

(iv) NIGHT LIGHT FOR EACH BED LOCATED BELOW LEVEL OF BED TO DIMLY LIGHT PATHWAY IN ROOM. NIGHT LIGHTS OR EQUIVALENT LOCATED AT PROPER INTERVALS IN CORRIDOR CEILINGS OR WALLS IN NURSING UNITS. Additional night lights appropriately located in patient rooms installed to avoid discomfort to patients.<sup>24</sup>

(v) SWITCHES FOR NIGHT LIGHTS AND GENERAL ILLUMINATION ADJACENT TO OPENING SIDE OF DOORS TO PATIENT ROOMS. SWITCHES LOCATED OUTSIDE PSYCHIATRIC PATIENT SECURITY AND SECLUSION ROOMS.

(vi) LIGHTING FIXTURES IN PSYCHIATRIC SECURITY AND SECLUSION ROOMS OF TAMPER-PROOF DESIGN. Recessed type recommended.

(e) BRANCH CIRCUIT PANELS FOR ROOMS IN ALL INTENSIVE CARE UNITS<sup>43</sup> TO BE LOCATED IN EACH PATIENT ROOM OR OTHER LOCATION WITHIN THE UNIT PROVIDING READY ACCESSIBILITY TO CIRCUIT BREAKERS FOR STAFF CARING FOR PATIENTS IN THESE ROOMS. CIRCUIT BREAKER AND/OR OUTLET COORDINATION APPROPRIATELY AND CLEARLY IDENTIFIED.

(f) EMERGENCY ELECTRICAL SERVICE. PER NFPA-70. SEE WAC 248-18-99902(13).

(g) Adequate filter protection for electrical generator or generators (e.g., protection from volcanic ash or dust storms).

(11) MISCELLANEOUS.

(a) FILM ILLUMINATORS. AT LEAST TWO X-RAY FILM ILLUMINATORS<sup>6</sup> IN EACH OPERATING ROOM, NEONATAL INTENSIVE CARE UNIT, ONE IN EACH MAJOR EMERGENCY TREATMENT ROOM, and one in each delivery room.

(b) CALL SYSTEM.

(i) PROPERLY LOCATED ELECTRICAL SIGNALLING DEVICE AT THE HEAD OF EACH BED IN PATIENT ROOMS (INCLUDING LABOR ROOMS AND BIRTHING ROOMS), except optional in ambulatory psychiatric patient rooms, AT EACH WATER CLOSET AND BATHING FACILITY FOR PATIENTS, AT EACH TREATMENT AREA IN PHYSICAL THERAPY DEPARTMENTS, AT EACH PATIENT TREATMENT TABLE, CART, OR BED IN EMERGENCY DEPARTMENTS, and in each dayroom, solarium, dining room or rooms, recovery room, and patient dressing areas.<sup>55</sup>

(ii) EACH CALL SIGNAL TO REGISTER BY LIGHT AT THE CORRIDOR DOOR, AND BY LIGHT AND AUDIBLE SIGNAL AT THE NURSES' STATION, AND AT OTHER NURSES' WORK

STATIONS SUCH AS UTILITY ROOMS, MEDICATION ROOMS, NOURISHMENT ROOMS, and nurses' lounges. CALL SIGNALS INITIATED WITHIN OTHER DEPARTMENTS (such as x-ray and physical therapy) TO REGISTER AT THE CONTROL POINT OF EACH DEPARTMENT. SIGNALS FROM WATER CLOSETS AND BATHING FACILITIES TO HAVE DISTINCTIVE LIGHT (flashing lights) AND AUDIBLE SIGNAL.

(iii) MEDICAL EMERGENCY SIGNAL DEVICE FOR USE OF THE STAFF IN EACH PSYCHIATRIC PATIENT, ACTIVITY, SECURITY, AND SECLUSION ROOM; EACH OPERATING, DELIVERY, BIRTHING, AND NURSERY ROOM; RECOVERY ROOMS; EACH PATIENT AND TREATMENT ROOM IN ALL INTENSIVE CARE UNITS; IN EACH EMERGENCY TREATMENT, EXAMINATION, AND OBSERVATION ROOM. TO REGISTER BY DISTINCTIVE LIGHT AT THE CORRIDOR DOOR, BY DISTINCTIVE VISUAL AND AUDIBLE SIGNALS AT LOCATIONS FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE; WHEN CORRIDOR LIGHT NOT VISIBLE FROM NURSES' STATION, ANNUNCIATOR OR EQUIVALENT SHALL IDENTIFY POINT OF ORIGIN. SIGNAL DEVICE TO BE RESET ONLY BY STAFF AT POINT OF ORIGIN.

(iv) A CALL SIGNAL FOR NIGHT USE SHALL BE PROVIDED AT LOCKED EMERGENCY ENTRANCES.

(c) TELEPHONES.

(i) ON EACH NURSING UNIT, SURGICAL SUITE, OBSTETRICAL DELIVERY SUITE, AND RECOVERY ROOM. ADDITIONAL TELEPHONES OR EXTENSIONS AS REQUIRED TO PROVIDE ADEQUATE COMMUNICATION (A MINIMUM OF ONE ON EACH FLOOR OF THE HOSPITAL).

(ii) PUBLIC TELEPHONE IN LOBBY.

(iii) Telephones or other similar means for two-way communication among departments of the hospital, including doctors' locker, and lounge in surgery and delivery suites.

(d) CLOCKS. May be battery powered, solid state type.

(i) WALL MOUNTED CLOCKS PROPERLY LOCATED IN OPERATING ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, BIRTHING ROOMS, EMERGENCY TREATMENT ROOMS, NURSERIES, INTENSIVE CARE UNITS, AND LABORATORIES.

(ii) CLOCKS IN OPERATING ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, EMERGENCY TREATMENT ROOMS, AND ALL INTENSIVE CARE UNITS TO HAVE SWEEP SECOND HANDS OR EQUIVALENT. Interval timers recommended.

(e) EQUIPMENT AND CASEWORK.

(i) DESIGNED, MANUFACTURED, AND INSTALLED FOR EASE OF PROPER CLEANING AND MAINTENANCE OF EQUIPMENT AND CASEWORK, AND SURROUNDING FLOOR AND WALLS.

(ii) DESIGN, MATERIALS, AND FINISHES SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iii) EQUIPMENT FOR FOOD SERVICE FUNCTIONS TO MEET STANDARDS OF NATIONAL SANITATION FOUNDATION, OR EQUIVALENT. SEE WAC 248-18-99902(6).

(iv) ALL AUTOCLAVES TO HAVE RECORDING THERMOMETERS.

(f) Chutes.

(i) Linen chutes and trash chutes not recommended.

(ii) CHUTES DIRECTLY CONNECTED TO INCINERATORS NOT PERMITTED.

(iii) CYLINDRICAL DESIGN.

(iv) TWENTY-FOUR INCH MINIMUM DIAMETER.

(v) SMOOTH, WASHABLE INTERIOR FINISH, INCLUDING JOINTS.

(vi) SELF-CLOSING, TIGHT-FITTING ACCESS DOORS AT LEAST THIRTY INCHES FROM THE FLOOR.

(vii) ACCESS DOOR OR DOORS IN SEPARATE ENCLOSED ROOM OR ROOMS OR SEPARATE AREA OF SOILED UTILITY OR CLEAN-UP ROOM USED FOR SOILED FUNCTIONS ONLY OR OTHER SIMILAR ROOM.

(viii) CHUTES TO DISCHARGE INTO SEPARATE ENCLOSED TRASH AND SOILED LINEN COLLECTION ROOMS.

(A) FLOOR DRAINS EQUIPPED WITH TRAP PRIMERS IN TRASH AND SOILED LINEN COLLECTION ROOMS.

(B) HANDWASHING FACILITY IN OR ADJACENT TO SOILED LINEN COLLECTION ROOM IF THIS ROOM USED FOR SORTING SOILED LINEN.

(ix) CHUTES DESIGNED AND VENTILATED TO AVOID CONTAMINATION BY AIR FLOW FROM ACCESS DOORS WHEN OPENED.

(x) CHUTES PROVIDED WITH SUITABLE MEANS TO ADEQUATELY WASH ENTIRE LENGTH.

(g) HARDWARE.

(i) SELECTED TO SUIT THE FUNCTIONS OF EACH ROOM AND TO ENSURE EGRESS, QUIETNESS, AND SANITATION.

(ii) PATIENT ROOM DOORS DESIGNED TO HOLD AT FULL OPEN POSITION.

(iii) PROVISION FOR IMMEDIATE EMERGENCY ACCESS TO PATIENT ROOMS AND PATIENT TOILETS, SHOWERS, AND BATHROOMS.

(iv) HARDWARE OF EXTERIOR DOORS DESIGNED TO PREVENT ENTRY OF UNAUTHORIZED PERSONS.

(h) IDENTIFICATION OF DOORS, ROOMS, AND SPACES.<sup>24</sup>

NOTES:

<sup>6</sup> May be movable equipment.

<sup>24</sup> In accordance with program.

<sup>37</sup> See definition of "grade," WAC 248-18-001.

<sup>41</sup> Equivalent when used in reference to faucet controls means a mechanism for operating without the use of hands, wrists, or arms.

<sup>42</sup>Equivalent when used in reference to receptacle outlets means that two single receptacle outlets are considered to be equal to one duplex receptacle outlet.

<sup>43</sup>Refer to definitions of intensive care unit WAC 248-18-001(26), acute cardiac care unit WAC 248-18-001(3), and neonatal intensive care unit WAC 248-18-223 (1)(c) and (d), and 248-18-001(37).

<sup>49</sup>Compressed air is filtered air free of oil and other substances, particles, or contaminants.

<sup>50</sup>Equivalent for x-ray receptacle outlet or outlets refer to a battery-operated, self-contained x-ray machine.

<sup>55</sup>A PROPERLY LOCATED SIGNAL DEVICE WITHIN REACH OF STAFF, MOUNTED NO HIGHER THAN SIX FEET ABOVE THE FLOOR AND ACTIVATED BY A NONCONDUCTIVE PULL CORD AT WATER CLOSETS AND BATHING FACILITIES. AT BATHING FACILITIES, SIGNAL DEVICE CORD LOCATED FOR EASY GRASP BY PATIENT IN OR ON FLOOR BESIDE BATHING FACILITY. AT WATER CLOSET, SIGNAL DEVICE PULL CORD LOCATED FOR EASY GRASP BY PATIENT SLUMPED FORWARD ON WATER CLOSET OR ON FLOOR NEARBY.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

✓ WAC 248-18-999 LEGAL AUTHORITY OF THE ~~((STATE BOARD OF HEALTH))~~ DEPARTMENT. See RCW 70.41.030 ~~((section 3, chapter 267, Laws of 1955))~~.

AMENDATORY SECTION (Amending Order 218, filed 11/6/81)

✓ WAC 248-21-002 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Active volunteer" means unpaid ~~((worker(s)))~~ worker or workers providing direct care to patients or clients and/or working with clinical records or confidential client information.

(2) "Adjunctive therapies" means those prescribed services provided by medically related disciplines which include but are not limited to physical therapy, occupational therapy, recreational therapy, music therapy, respiratory therapy.

(3) "Administrator" means an individual appointed as chief executive officer by the governing body of the center to act in its behalf in the overall management of the hospice care center.

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

(5) "Bathing facility" means a bathtub, shower, or equivalent.

(6) "Bereavement care" means consultation, support, counseling, and follow-up of the client before and following the death of a patient.

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

~~((8)))~~ "Client" means the patient and family which together compose the unit of care in the hospice care center.

~~((9)))~~ (8) "Client education" means provision of information on physical care, disease symptomatology, palliative treatment, psychosocial coping skills, availability, and utilization of community resources.

~~((10)))~~ (9) "Clinical record" means a file containing all pertinent clinical information about a particular patient~~((;))~~ to include: Identifying information, data bases, assessment, individualized comprehensive care plan, diagnosis, treatment, progress notes, other clinical events, and a discharge summary.

~~((11)))~~ (10) "Department" means the Washington state department of social and health services.

~~((12)))~~ (11) "Dietitian" means a person who is eligible for membership in the American Dietetic Association.

~~((13)))~~ (12) "Drug" means medication, chemical, device, or other material used in the diagnosis and/or treatment of injury, illness, or disease.

~~((14)))~~ (13) "Drug administration" means an act in which a single dose of a prescribed drug or a biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container, verifying it with the order of the physician, giving the individual dose to the proper patient, and properly recording the time and dose given.

~~((15)))~~ (14) "Drug dispensing" means an act entailing the interpretation of an order (prescription) for a drug or biological and, pursuant to that order~~((;))~~ (prescription), proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

~~((16)))~~ (15) "Family" means individuals, who need not be relatives, who are important to a patient and designated by that patient.

~~((17)))~~ (16) "Governing body" means the individual or group legally responsible for the operation and maintenance of the hospice care center.

~~((18)))~~ (17) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((19)))~~ (18) "Hospice care center" means any building, facility, place, or equivalent organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death. Hospice care centers are specialized types of health care facilities which come within the scope of chapter 70.41 RCW, hospital licensing and regulation. Hospice care centers may be freestanding or separately licensed portions or areas of another type of health care facility: PROVIDED, That the hospice care center is under control and administered by a separate and autonomous governing body. Hospice care centers as used in this chapter~~((;))~~ do not include hotels or similar places furnishing only food and lodging or similar domiciliary care; nor does it include clinics or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours

or more; nor does it include hospitals licensed pursuant to chapter 70.41 RCW which provide services in addition to or in combination with hospice care services; nor does it include nursing homes as defined and which come under the scope of chapter 18.51 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 in the diagnosis and care of those suffering mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this act or the rules and regulations adopted pursuant thereto(;) shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creeds or tenets of any well-recognized church or religious denomination.

((20)) (19) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more(;) for observation, diagnosis, or care(;) of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital," as used in this chapter, does not include hotels(;) or similar places furnishing only food and lodging(;) or simply domiciliary care; nor does it include clinics(;) or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come under the scope of chapter 18.51 RCW; nor does it include maternity homes, which come under the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital(;) or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter or the rules and regulations adopted pursuant thereto(;) shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

((21)) (20) "Individualized care plan" means a written statement of care to be provided for a client based upon physical, psychosocial, spiritual assessment of the patient, and assessment of family as appropriate. This statement shall include short- and long-term goals, client education, discharge planning, and the name of the individual member of the interdisciplinary care team designated as responsible for implementation. This statement shall be developed with participation of clients as appropriate.

((22)) (21) "Interdisciplinary care team" means a group composed of the patient, the family, and professional care providers which may include, but is not limited to, required adjunctive therapists, registered nurses, nutritionists, spiritual advisors, pharmacists, physicians, mental health professionals, or social workers. "Core team" means those individuals required to provide services for clients within the hospice care center program and shall include a registered nurse, physician, medical director, social worker, spiritual consultant or advisor, and volunteer director.

((23)) (22) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

((24)) (23) "Licensed nurse" means a registered nurse under provisions of chapter 18.88 RCW or a licensed practical nurse under provisions of chapter 18.78 RCW.

((25)) (24) "Medical staff" means physicians and other medical practitioners appointed by the governing body to practice within the parameters of the medical staff bylaws of the hospice care center.

((26)) (25) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New ((building(s))) building or buildings to be used as part of the hospice care center;

(b) ((Addition(s))) Addition or additions to existing hospice care center to be used as part of the hospice care center;

(c) ((Alteration(s))) Alteration or alterations or ((modification(s))) modification or modifications other than minor ((alteration(s))) alteration or alterations to a hospice care center. "Minor ((alteration(s))) alteration or alterations" means any structural or functional modification within the existing center which does not change the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department.

((27)) (26) "Palliative care" means activities, interventions, and interactions which are planned and executed to cause a lessening or reduction of physical, psychosocial and spiritual pain, and intended to ease without curing.

((28)) (27) "Patient" means the terminally ill individual.

((29)) (28) "Patient care coordinator" means a designated, qualified employee who is responsible for the organization, implementation, and evaluation of the individualized care plan of a patient.

((30)) (29) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof.

((31)) (30) "Personnel" means individuals employed and receiving monetary payment from the hospice care center.

((32)) (31) "Pharmacist" means an individual who is licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.



~~((33))~~ (32) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((34))~~ (33) "Prescription" means a written or oral order for drugs issued by a medical practitioner, licensed in the state of Washington, in the course of his or her professional practice, as defined by Washington state statute, for a legitimate medical purpose (RCW 18.64-.011 (3)(a)).

~~((35))~~ (34) "Registered nurse" means an individual licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((36))~~ (35) "Scheduled drug" means those substances or immediate precursors listed in Schedules I through V, Article II, RCW 69.50.201, State Uniform Substance Act, now or ~~(is)~~ as hereafter amended.

~~((37))~~ (36) "Self-administration" means those instances when a patient or member of the client family administer a medication from a properly labeled container while on the premises of the hospice care center.

~~((38))~~ (37) "Shall" means compliance when the regulation is mandatory.

~~((39))~~ (38) "Should" means compliance with the regulation or rule is suggested or recommended but not required.

~~((40))~~ (39) "Social worker" means an individual with a masters degree in social work from an accredited school of social work or an individual eligible for membership in the academy of certified social workers.

~~((41))~~ (40) "Staff" means those individuals providing services within the hospice care center. These individuals may be paid or unpaid and shall be designated as medical staff, personnel, or volunteers, respectively.

~~((42))~~ (41) "Toilet" means a room containing at least one water closet.

~~((43))~~ (42) "Useable floor area" means floor spaces in patient rooms excluding areas taken up by vestibules, closets, wardrobes, portable lockers, lavatories, and toilet rooms.

~~((44))~~ (43) "Water closet" means a plumbing fixture fitted with a seat and a device for flushing the bowl of the fixture with water.

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 53, filed 2/8/71)

✓WAC 248-140-010 PURPOSE. It is the purpose of the ~~((Washington state board of health))~~ department to establish guidelines to assure the safe and adequate care of patients undergoing termination of pregnancy, by means of rules and regulations setting standards for medical facilities at which pregnancies are terminated, in accordance with chapter ~~((3, Laws of 1970 ex. sess))~~ 9.02 RCW.

AMENDATORY SECTION (Amending Order 251, filed 12/15/82)

✓WAC 248-140-140 DEFINITIONS. Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

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

~~((2))~~ (2) "Certificate of approval" means a certificate issued ~~((on behalf of the board))~~ by the department to a nonhospital facility approved for the performance of induction and/or termination procedures during the second trimester.

~~((3))~~ (2) "Certified nurse anesthetist" means a registered nurse whose application for certified registered nurse designation has been approved by the Washington state board of nursing pursuant to RCW 18.88.080 and WAC 308-120-300.

~~((4))~~ (3) "Clean" when used in reference to a room or area means space and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

~~((5))~~ (4) "Department" means the Washington state department of social and health services ~~((, which shall serve as agent of the board))~~.

~~((6))~~ (5) "Facility" means any nonhospital institution, place, building, or agency or portion thereof in which induction and/or termination is conducted during the second trimester.

~~((7))~~ (6) "Induction" means the procedure used to initiate termination of pregnancy.

~~((8))~~ (7) "Observation unit" means a room or rooms for the segregation, close or continuous observation, and care of a patient before or after a termination procedure.

~~((9))~~ (8) "Patient" means a woman undergoing induction and/or termination of pregnancy.

~~((10))~~ (9) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association.

~~((11))~~ (10) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((12))~~ (11) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, Registered nurses.

~~((13))~~ (12) "Second trimester" means the second three-month period of pregnancy.

~~((14))~~ (13) "Secretary" means the secretary of the department of social and health services or his or her designee or authorized representative.

~~((15))~~ (14) "Soiled," when used in reference to a room or area, means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or disposal of wastes.

~~((16))~~ (15) "Termination" means ending of a pregnancy.

AMENDATORY SECTION (Amending Order 251, filed 12/15/82)

✓ WAC 248-140-150 FACILITIES APPROVED FOR TERMINATION OF PREGNANCY. For the purpose of preserving and protecting maternal health, all abortions performed during the second trimester of pregnancy shall be performed in hospitals licensed pursuant to chapter 70.41 RCW or in a medical facility approved for that purpose by the ((board)) department, as set forth in chapter 248-140 WAC.

AMENDATORY SECTION (Amending Order 202, filed 10/1/80)

✓ WAC 248-140-220 REPORTING OF PREGNANCY TERMINATIONS. In order for ((the board and)) the department to evaluate the effect of the ((board's)) rules and regulations in assuring safe and adequate care and treatment of patients, each hospital and facility where lawful induced abortions are performed during either the first, second, or third trimester of pregnancy in accordance with chapter 9.02 RCW and these rules and regulations shall, on forms prescribed and supplied by the secretary, report to the department during the following month the number and dates of induced abortions performed during the previous month, giving for each abortion the age of the patient, geographic location of patient's residence, patient's previous pregnancy history, the duration of the pregnancy, the method of abortion, any complications such as perforations, infections, and incomplete evacuations, the name of the ((physician(s))) physician or physicians performing or participating in the abortion and such other relevant information as may be required by the secretary. All physicians performing abortions in nonapproved facilities, when the physician has determined that termination of the pregnancy was immediately necessary to meet a medical emergency, shall also report in the same manner, and shall additionally provide a clear and detailed statement of the facts upon which he or she based his or her judgment of medical emergency.

**WSR 86-08-003**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Order 2349—Filed March 20, 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.

This action is taken pursuant to Notice No. WSR 86-04-075 filed with the code reviser on February 5, 1986. 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 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 March 19, 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 86-08-004**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2350—Filed March 20, 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 redetermination of eligibility, amending WAC 388-38-280.

This action is taken pursuant to Notice No. WSR 86-04-073 filed with the code reviser on February 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED March 19, 1986.

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

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

✓ WAC 388-38-280 PERIODIC REVIEW AND REDETERMINATION OF ELIGIBILITY. (1) A re-determination 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 86-08-005**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2351—Filed March 20, 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 388-95-320 Eligibility determinations—Institutional.  
Amd WAC 388-99-010 Persons eligible for medically needy assistance.

This action is taken pursuant to Notice No. WSR 86-04-020 filed with the code reviser on January 27, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED March 19, 1986.

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

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.

MANDATORY 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 86-08-006**  
**ADOPTED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-257, Cause No. TV-1937—Filed March 20, 1986]

In the matter of adopting WAC 480-12-196 relating to Transportation of radioactive materials—Driving and parking rules.

This action is taken pursuant to Notice No. WSR 86-03-087 filed with the code reviser on January 22, 1986. The 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 86-03-087 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, March 19, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to March 14, 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, March 19, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington.

At the March 19, 1986, meeting the commission considered the rule change proposal. No written comments were received. Oral comments were received from Ms. Chris Platt on behalf of the Sierra Club, Cascade Chapter; Brett Redfearn from the Washington Public Interest Group; and Martin Sangster, of the Washington Trucking Association.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-196 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-196 as amended will require that a responsible person attend vehicles in which radioactive materials controlled as to route are being transported by common or contract carriage over the highways of the state of Washington.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-12-196 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER 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 19th day of March, 1986.

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

APPENDIX "A"

NEW SECTION

✓ WAC 480-12-196 TRANSPORTATION OF RADIOACTIVE MATERIALS—DRIVING AND PARKING RULES. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains an amount of radioactive material requiring highway route control must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and

make it impracticable to park the vehicle in any other place.

WSR 86-08-007

ADOPTED RULES

GAMBLING COMMISSION

[Order 156—Filed March 20, 1986]

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

Amd WAC 230-46-010 Purpose.

Amd WAC 230-46-020 Definitions.

This action is taken pursuant to Notice No. WSR 86-03-035 filed with the code reviser on January 13, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.030(10) and 9.46.070 (14) and (20) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 13, 1986.

By Ronald O. Bailey  
Deputy Director

AMENDATORY SECTION (Amending Order 149, filed 4/15/85)

✓ WAC 230-46-010 PURPOSE. The Washington state gambling commission (~~(, aware of the overwhelming increase of promotional contests conducted in the state of Washington,)~~) deems it to be in the public interest to interpret RCW 9.46.((020(14))) 030(10) so as to insure uniformity and fairness to all sponsors of said promotional contests of chance. It is further the purpose of these regulations to notify all sponsors and their affiliates as to what types of promotional contests of chance are legal and not legal in the state of Washington.

AMENDATORY SECTION (Amending Order 149, filed 4/15/85)

✓ WAC 230-46-020 DEFINITIONS. (1) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have ~~((paid))~~ paid or agreed to pay a valuable consideration for the chance.

(2) "Promotional contest of chance" means a scheme ~~((for the distribution of money or property by chance, among persons who have not paid or not agreed to pay a valuable consideration for said chance))~~ in which a person, association, or an organization may distribute money or property among individuals who have agreed to participate in a contest of chance equally with other participants, providing no participant is required to do

more than the allowable methods of entry authorized under the provisions of RCW 9.46.030 (10)(a)(i)-(ix).

(3) (~~("Retail outlet" means the place at which any business establishments sells goods or services for final consumption or to the ultimate consumer.))~~ "Promotional material" means all material which defines the rules of a particular promotional contest of chance, which may extend to a description or an explanation of a product(s), service(s), or combination(s) thereof being promoted.

(4) (~~("On behalf of in-state retail outlet" means a promotional contest sponsored by a party other than a retail outlet that may benefit a specific or chain of specific retail outlets by increased advertising or increased patronage.))~~ "Perusing promotional material" means to read or examine contest rules and/or the specific product(s), service(s), or combination(s) thereof being promoted: PROVIDED, That the contest rules or its promotional material shall disclose any additional requirement(s) to attend a demonstration, tour a facility or specific areas, visit a specified location or similar activity, to include the approximate length of time in connection with a promotional scheme: PROVIDED FURTHER, That any tour, demonstration, visit, or combination of requirement(s) will not extend beyond a total of two consecutive hours in duration.

**WSR 86-08-008**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2352--Filed March 21, 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 effect of newly acquired income and property on continuing need, amending WAC 388-28-482.

This action is taken pursuant to Notice No. WSR 86-04-013 filed with the code reviser on January 24, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED March 20, 1986.

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

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.

(e) A compensatory award within the ceiling values in WAC 388-28-435. Compensatory award is defined in WAC 388-28-435.

(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 86-08-009

#### EMERGENCY RULES

#### DEPARTMENT OF AGRICULTURE

[Order 1882—Filed March 21, 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 the enforcement of the honey bee tracheal mite quarantine, chapter 16-470 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 with honey bee tracheal mite known to exist in 29 states, it is necessary to regulate migratory beekeepers moving bees between known infested states and Washington state in order to prevent the uncontrollable introduction of acarine disease into Washington state which could economically impact the Washington state apiary industry.

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

This rule is promulgated pursuant to chapters 15.60 and 17.24 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 21, 1986.

By Michael V. Schwisow  
Deputy Director

#### NEW SECTION

*WAC 16-470-240 HONEY BEE TRACHEAL MITE - ENFORCEMENT. The following shall apply to the enforcement of rules in this chapter relating to honey bee tracheal mite and Chapter 15.60 RCW:*

(1) *Enforcement may be carried out by the Washington state department of agriculture and/or with cooperation from other government or law enforcement agencies.*

(2) *Vehicles carrying regulated articles, as specified in Chapter 15.60 RCW and WAC 16-470-210 through 16-470-230, may be stopped to verify compliance.*

(3) *Vehicles carrying regulated articles without a health certificate as required by Chapter 15.60.100 RCW, from states of origin other than Washington may be refused entry and the person transporting such articles required to remove them from Washington state.*

(4) *Regulated articles not in compliance with this chapter may be removed from the transporting vehicle and placed under quarantine pending sampling and laboratory analysis as prescribed by the department. Costs incurred by the department in the enforcement of this section shall be paid prior to the release of the required articles from quarantine.*

(5) *Regulated articles found to be infested with honeybee tracheal mites and placed under quarantine may be transported to a depopulation, fumigation site or other site as prescribed by the department on a vehicle as designated by the department. Such vehicle carrying quarantined regulated articles shall be deemed under quarantine during such transportation.*

**WSR 86-08-010**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**  
[Order 86-2—Filed March 21, 1986]

I, Paul Dziedzic, director of the Department of Services for the Blind, do promulgate and adopt at 921 Lakeridge Drive, Room 202, FW-21, Olympia, WA 98504-2921, the annexed rules relating to business enterprise program, amending WAC 67-35-150 and 67-35-230.

This action is taken pursuant to Notice No. WSR 86-04-063 filed with the code reviser on February 4, 1986. 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 Services for the Blind as authorized in RCW 74.28.200 - 74.28.230 [74.18.200 - 74.18.230].

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

APPROVED AND ADOPTED March 21, 1986.

By Paul Dziedzic  
Director

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 86-08-011**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Memorandum—March 20, 1986]

March 24, 1986, 5:00 p.m.  
 Conference Room (C6)  
 Campus Center Building  
 Skagit Valley College  
 2405 College Way  
 Mount Vernon, WA 98273

There will be a special meeting of the board of trustees on Monday, March 24, 1986, at 5:00 p.m., for the purpose of an executive session to discuss negotiations with the SVCEA.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and brailled or taped information for blind individuals can be provided when adequate notice is given to the president's office at the college.

**WSR 86-08-012**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1986 No. 6**  
 [March 21, 1986]

**COUNTIES—REDIVISION—SHORT SUBDIVISION—ADJUSTING BOUNDARY LINES**

The dividing of a lot in a previously approved subdivision into two halves with the intent that one-half be sold and attached to an adjoining parcel outside the subdivision does not create a boundary line adjustment.

Requested by:  
 Honorable David F. Thiele  
 Island County Prosecuting Attorney  
 P.O. Box 430  
 Coupeville, Washington 98239

**WSR 86-08-013**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**ASIAN AMERICAN AFFAIRS**  
 [Memorandum—March 21, 1986]

The April 19, 1986, CAAA meeting scheduled in Seattle is moved to May 10, 1986, same place.

**WSR 86-08-014**  
**ADOPTED RULES**  
**PARKS AND RECREATION COMMISSION**  
 [Order 92—Filed March 24, 1986]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Richland, Washington, that it does adopt the annexed rules relating to public assemblies, meetings, WAC 352-32-165.

This action is taken pursuant to Notice No. WSR 86-04-085 filed with the code reviser on February 5, 1986. 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 Parks and Recreation Commission as authorized in RCW 43.51-.040 and 43.51.060.

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 March 21, 1986.

By Margaret S. Williams  
 Chair

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 (c), (~~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 timelines 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 86-08-015**

**ADOPTED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Order 86-20—Filed March 25, 1986]

1, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of chapter 296-132 WAC. Said rules are obsolete in that they purport to implement labor relations statutes (chapter 41.56 RCW) which are no longer administered by the Department of Labor and Industries. Jurisdiction to administer chapter 41.56 RCW was transferred to the Public Employment Relations Commission which agency has adopted comprehensive rules codified under Title 391 WAC.

This action is taken pursuant to Notice No. WSR 86-05-027 filed with the code reviser on February 19, 1986. 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 Labor and Industries as authorized in RCW 51.04.020.

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

APPROVED AND ADOPTED March 25, 1986.

By R. A. Davis  
Director

**WSR 86-08-016**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 25, 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 General assistance—Exclusions, amending WAC 388-37-010;

that the agency will at 10:00 a.m., Tuesday, May 6, 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 May 14, 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 May 6, 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 April 22, 1986. The meeting site is in a location which is barrier free.

Dated: March 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.

Re: WAC 388-37-010 (6)(b) and (c).

Purpose of the Rule Change: To avoid possible litigation.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: If interim assistance reimbursement does not meet amount expended for GA-U, the difference is not considered an overpayment.

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

Person or Organization who Proposed Elimination of These Rules: Puget Sound Legal Services Foundation.

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

#### AMENDATORY SECTION (Amending Order 2289, filed 10/1/85)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state-financed program providing for the needs of some persons not eligible for a federal aid grant who are either pregnant or incapacitated from gainful employment. Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income, except as provided in WAC 388-37-010 (2) through (5).

(2) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(3) Effective August 23, 1983, an SSI recipient whose need is not being met by SSI because of separation from a spouse may be eligible to receive GA-U in the amount necessary to supplement his or her need up to the level of the existing GA-U payment standard.

(4) An SSI recipient whose SSI check has been lost, stolen, missent, or otherwise delayed, may be granted GA-U provided the recipient agrees in writing to repay the amount of GA-U assistance issued, and the applicant meets all other GA-U eligibility requirements. When an SSI check is lost in the mail system, issuance of GA-U will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

(5) An applicant appearing to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(a) The applicant applies;

(b) The applicant assigns the initial SSI payment to DSHS up to the amount of the GA-U provided to the applicant pending approval of the SSI application;

(c) The applicant meets all other general assistance eligibility requirements.

(6) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes. ~~((a))~~ The state cannot be reimbursed for any GA-U authorized during the time period these payments cover.

~~((b) If the amount of the initial SSI payment recovered by DSHS prior to the payment of attorney's fees in subsection (7) of this section does not meet the amount paid as GA-U, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.~~

~~(c) If the SSI benefit is less than the GA-U payment standard because the SSI is based on a different living arrangement than authorized under the GA-U program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.)~~

(7) Any agreement between the department and a Supplemental Security Income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States Department of Health and Human Services shall be released directly to the applicant's attorney. Payment is limited to cases where the reimbursement of interim assistance was received by the department on or after August 23, 1983, and the attorney of the applicant for whom reimbursement is received began representing the applicant on or after August 23, 1983. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

(8) Continuing general assistance cannot be granted to an individual eligible for or receiving AFDC or SSI when he or she:

(a) Is currently under sanction for failure to comply with AFDC or SSI requirements, or

(b) Has failed or refused to cooperate in obtaining AFDC or SSI, unless the department has determined there is good cause for failure to cooperate.

**WSR 86-08-017**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 25, 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 Medical care—Applications, amending WAC 388-84-110.

It is the intention of the secretary to adopt these rules on an emergency basis on or about March 26, 1986;

that the agency will at 10:00 a.m., Tuesday, May 6, 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 May 14, 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 May 6, 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 April 22, 1986. The meeting site is in a location which is barrier free.

Dated: March 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 388-84-110.

Purpose of the Rule Change: To maintain current regulations on time limits for disposal of medical assistance applications.

Reason These Rules are Necessary: WAC 388-84-110 is locked into WAC 388-38-110. WAC 388-38-110 is being amended to make changes which should not be applied to medical assistance.

Statutory Authority: RCW 74.08.090.

Summary of Rule Change: The revision will adopt current regulations which apply to medical assistance and exempt medical assistance from proposed WAC 388-38-110 which does not apply to medical assistance.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Jim Sparks, 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.

AMENDATORY SECTION (Amending Order 2314, filed 12/5/85)

WAC 388-84-110 APPLICATION—DISPOSITION. (1) Time-ly determination standards are:

- (a) Sixty days for applicants based on disability,
- (b) Forty-five days for all other categories(;
- (c) ~~Certain unusual circumstances beyond the administrative control of the CSO may delay a decision on an application).~~

(2) Each application shall be acted upon within the standards of subsection (1) of this section unless exceptional circumstances in an individual case require a longer period of time. Such exceptional circumstances shall include:

- (a) When the CSO cannot reach a decision because the applicant or an examining physician delays or fails to take a required action; or
- (b) When there is an administrative or other emergency beyond the control of the CSO.

(3) For cash assistance, approval of the medical assistance is concurrent.

~~((3))~~ (4) Applicants for medical assistance will be notified of departmental action by means of a notification of eligibility letter.

~~((4))~~ (5) Approval, denial, or withdrawal of the application for medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC, with the exception of WAC 388-38-110. For time limits for disposal of a medical application, subsections (1) and (2) of this section shall apply.

**WSR 86-08-018**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 25, 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 application, amending chapter 388-38 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about March 26, 1986;

that the agency will at 10:00 a.m., Tuesday, May 6, 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 May 14, 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 May 6, 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 April 22, 1986. The meeting site is in a location which is barrier free.

Dated: March 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.

Re: Chapter 388-38 WAC, Applications.

Purpose of the Rule Change: To comply with an out of court settlement of the *Peterson v. Rahm* court suit.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: WAC 388-38-010(1), changed to revise the definition of an application for assistance. Under the new definition, an individual must complete and submit a request on a prescribed form. Before this change, any written request was sufficient. The purpose of requiring a request form is to facilitate prompt scheduling of interview appointments. This change is to comply with settlement of *Peterson v. Rahm*; WAC 388-38-010(2), added to specify what date is considered the date of application. This date is the beginning date of the prescribed time limits for processing applications. This change is to comply with settlement of *Peterson v. Rahm*; WAC 388-38-010(3), added to define the term financial assistance. This is not a rule change and not due to settlement of *Peterson v. Rahm*; WAC 388-38-010(4), renumbered. Language providing that an application may follow an inquiry is unnecessary and has therefore been removed. This is not a rule change; WAC 388-38-010(5), added to define what is considered a reapplication for assistance. This definition is necessary because the *Peterson v. Rahm* court order specifies different procedures for individuals who reapply for assistance within thirty days of the date their assistance was terminated; WAC 388-38-010(6), renumbered. Changes in language are editorial only; WAC 388-38-030, title of section changed to more accurately reflect the subject of the section and is for editorial purposes; WAC 388-38-030(1), changed to incorporate language previously included in WAC 388-38-040(4). This is not a rule change but is being made for editorial purposes; WAC 388-38-040, title of section changed to more accurately reflect subject of section; WAC 388-38-040(1), added to specify that an applicant request assistance by completing and submitting a prescribed form. This is to comply with the *Peterson v. Rahm* court order. See explanations of changes in WAC 388-38-010 (1) and (2), above; WAC 388-38-040(2), replaces old subsection (1) and removes reference to a

specific form number. Language has been added to provide a basis in rule for allowing applicants applying for assistance within thirty days of their grant termination to complete less detailed forms than applicants who have not received assistance within thirty days. This is required by the *Peterson v. Rahm* court order; WAC 388-38-040(3), revised to specify that the department assist applicants in completing forms if they need assistance. This had been department practice and is required in the *Peterson v. Rahm* court order. The previous subsection (3) has been revised and is incorporated into WAC 388-38-045, a new section; WAC 388-38-040(4), added to incorporate language that was in WAC 388-24-040(10). The language belongs in this section because its content relates solely to recording of applications. This is not a rule change and is not due to *Peterson v. Rahm*; WAC 388-38-045, added to provide clear rules regarding applicant responsibility to provide application forms and verification. These rules provide that an applicant be initially allowed a reasonable time if not less than ten calendar days to provide information. The applicant must be allowed additional time if the applicant reasonably requests an extension, or the department subsequently determines the need for additional information, or the applicant provides some of the information within the request period. If the applicant does not provide any requested information during a request period and does not contact the department, the department will determine eligibility based on all available evidence and approve, deny, or withdraw the application accordingly. The *Peterson v. Rahm* consent order does not change rules regarding applicant reporting responsibility and does not stipulate time limits for applicants to complete and submit application forms. It does require the proposed rules relating to how much time an applicant is given to provide verification, except the order stipulates that an applicant be allowed an additional ten days if the applicant has provided the majority of information. The proposed rules require only that some of the information be provided. Application forms have been included in the process because the department considers such forms to be part of the verification process; WAC 388-38-110(1), changed to more clearly specify time limits to take disposing action on an application. It also lists some of the exceptional circumstances that are, subject to certain conditions, considered good cause for delay in disposing of an application. This change is required by *Peterson v. Rahm*; WAC 388-38-110(2), added to specify conditions under which the exceptional circumstances in WAC 388-38-010(1) are considered good cause. This change is required by *Peterson v. Rahm*; WAC 388-38-110(3), renumbered (was subsection (2)). No change; WAC 388-38-110 (3)(a), changed for editorial reasons only. Not a rule change; WAC 388-38-120(2), changed to specify that assistance can be denied only if the department determines that an applicant is ineligible or that eligibility cannot be established based on all available information. This change is to comply with *Peterson v. Rahm*; WAC 388-38-120 (2)(a), changed to delete effective date of existing subsection. This date is no longer necessary in rule; WAC 388-38-120 (2)(b) and (2)(b)(i), added to specify that,

when an applicant fails to provide requested information within a request period, denial is appropriate only if eligibility has not been established. Such denial may not be based on the applicant's failure to provide information. This change is to comply with *Peterson v. Rahm*; WAC 388-38-120 (2)(b)(ii), added to provide that when an applicant has not provided requested information and the department determines that eligibility cannot be established based on all available information, the applicant will be allowed 30 days from the date of denial to provide the information. If the information is provided within the 30-day period, the department will determine eligibility, and, if eligibility is established, assistance will be approved based on the denied application. This change was negotiated after the consent order was issued in *Peterson v. Rahm*; WAC 388-38-120 (2)(b)(iii), added to provide clear rules regarding denial of AFDC benefits due to insufficient information. The rules specify when assistance is denied to the entire assistance unit and when assistance is denied only to individual members of the assistance unit. This change is not a rule change and is not required by *Peterson v. Rahm*; WAC 388-38-120(3), changed for editorial reasons only; WAC 388-38-120 (3)(c), changed to specify that an application will be withdrawn 30 days from the date of application when an applicant fails to report for a scheduled interview and does not contact the [to] reschedule within the 30-day period. This change is not required by *Peterson v. Rahm*; WAC 388-38-120(4), to provide specific rules establishing the date disposing action on an application is considered complete. This change is stipulated in *Peterson v. Rahm*; WAC 388-38-150, title of section changed for editorial reasons; WAC 388-38-172, title of section changed for editorial reasons. The lead paragraph replaces language in old subsection (1) and specifies that a withdrawal notice need not be sent when such disposing action is due to the applicant's death. This is not a rule change; WAC 388-38-172(1), renumbered from (1)(a) to (1), and adds language to specify what must be stated on a denial notice for denials related to an applicant not providing forms or verification. This change is required by *Peterson v. Rahm*; WAC 388-38-172 (2) and (3), renumbered from (1)(b) and (1)(c). Subsection (3) incorporates former subsection (2). Changes are editorial; WAC 388-38-200(1), changed for editorial reasons; WAC 388-38-200(3), changed to specify the department may require a face-to-face interview for redetermination of eligibility. This change is not a rule change and not required by *Peterson v. Rahm*; WAC 388-38-200(4), changed to provide that all factors of eligibility need not be verified if the department determines eligibility can be accurately determined without verification of one or more factors. The purpose of the change is to allow the department some latitude in setting its verification policy. This change is not specifically required by *Peterson v. Rahm* order, but is consistent with the verification requirements stipulated in the order; WAC 388-38-200(5), added to provide that factors not subject to change that have been sufficiently verified must not be reverified at a subsequent eligibility determination. This

change is required by *Peterson v. Rahm*; WAC 388-38-200(6), renumbered from (5) to (6). No change; WAC 388-38-200(7), renumbered from (6) to (7). Change in language is editorial; WAC 388-38-200(8), changed to provide that verification must be requested based on availability. Verification that is more available must be requested first if it is determined that such documents would be sufficient to determine eligibility. This change is required by *Peterson v. Rahm*; WAC 388-38-200(9), changed to provide that the department, subsequent to approving assistance based on available verification, may request a higher form of verification to further substantiate eligibility. Applicants or recipients aggrieved by such request are provided the right to a fair hearing. This change is stipulated by *Peterson v. Rahm*; WAC 388-38-200(10), changed to specify that an applicant must not be required to provide verification for which a fee is charged. The department must pay for such verification when requested. This change is required by *Peterson v. Rahm*; WAC 388-38-200(11), changed to provide that the department must not deny or delay assistance because an applicant fails to provide a specific form of verification. All verification provided must be accepted and considered. This change is required by *Peterson v. Rahm*; WAC 388-38-200(12), renumbered from (7) to (12). Changes in language are editorial; WAC 388-38-200(13), added to specify that when verification is not obtained, eligibility must be determined based upon all available evidence. This change is stipulated by *Peterson v. Rahm*; WAC 388-38-200(14), renumbered from (8) to (14). Otherwise no change; and WAC 388-38-200(15), renumbered from (10) to (15). Language changed to more fully describe what type of information in the case record is used to determine eligibility. This change is not a rule change and not required by *Peterson v. Rahm*.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bill Hosford, Program Manager, Division of Income Assistance, mailstop OB 31J, phone 753-1735.

These rules are necessary to comply with settlement of a federal court decision, *Peterson v. Rahm*.

#### AMENDATORY SECTION (Amending Order 1693, filed 8/12/81)

WAC 388-38-010 DEFINITIONS. (1) "Application" means a form designated by the department as a request for financial and/or medical assistance ((made by a person in his own behalf or in behalf of another person)) completed and submitted to the department according to WAC 388-38-040.

((a) An application for financial assistance has been made when the individual expresses in writing to the CSO his desire to receive assistance.

((b) An application for medical assistance has been made when the individual expresses in writing his desire to receive assistance or to have his eligibility considered.))

(2) "Date of application" means the date a completed request form referred to in subsection (1) of this section is received by the department.

(3) "Financial assistance" means a grant payment in the form of a warrant to an eligible recipient.

(4) "Inquiry" means a request for information about the department or its services or about eligibility requirements for assistance. ((Such inquiry may be followed by an application.))

(5) "Reapplication" means, for the purposes of this chapter, an application is filed by an individual within a thirty-day period after the individual's grant termination.

~~((3)) (6) "Statements in support of the application" means ((specifically Form 14PA01)) application forms and any ((other forms required)) verifying documentation acceptable under department ((regulations)) rules which apply to the particular situation.~~

AMENDATORY SECTION (Amending Order 605, filed 9/22/71)

~~WAC 388-38-030 APPLICATION—((ADMINISTRATIVE STANDARDS)) DEPARTMENT RESPONSIBILITY. (1) An application shall be accepted from anyone ((who wishes)) wishing to apply and shall be acted upon promptly. An application may be made by:~~

~~(a) The person making the request in the person's own behalf or for the person's dependent;~~

~~(b) The legal guardian or person otherwise legally eligible to make application on behalf of minors or incompetent persons;~~

~~(c) Any other person acting in behalf of the applicant when the individual cannot make application under one of the preceding methods. Such person shall indicate the reason for initiating the application.~~

~~(2) Each applicant shall be treated with dignity and courtesy, shall be given sufficient opportunity to make his or her pertinent needs known to the department, and to learn what the department can or cannot do for him or her.~~

~~(3) Each applicant shall be fully informed of his or her legal rights and responsibilities in connection with public assistance.~~

~~(4) Eligibility or ineligibility shall be determined on a factual and objective basis in accordance with the rules and procedures of the department.~~

~~(5) Pertinent facts shall be recorded about each application so that records can be audited to determine whether department policies have been followed, continuity of service can be carried out, case planning can be achieved, and services needed and given can be ascertained.~~

~~(6) The decision on applications is definite and conclusive and is made known to the applicant together with the reasons for the decision. (See WAC 388-38-150 and 388-38-172.)~~

~~(7) Each applicant shall be given a pamphlet entitled "Fair hearings are for you." Each applicant shall receive a brief explanation of rights and procedures in regard to fair hearings.~~

~~(8) Each applicant shall be given a written acknowledgement of receipt of the application by the department at the time of making application.~~

AMENDATORY SECTION (Amending Order 943, filed 6/28/74)

~~WAC 388-38-040 ((RECORD)) APPLICATION—RECORDING AND ((SUPPORTING DOCUMENTS)) DOCUMENTING.~~

~~(1) ((Form 14PA01 shall be used as the applicant's written statement of his application for all public assistance grant categories. This does not apply to a grant being reinstated)) The applicant's written request for financial and/or medical assistance shall be made on a form designated by the department. Such form shall be as brief as administratively feasible and seek only information ordinarily known to an individual.~~

~~(2) ((An application shall contain a written declaration that is made under penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing)) In addition to the request form specified in subsection (1) of this section, the applicant's written statement of application for financial assistance shall be made on forms designated by the department. Forms designated for reapplications may be different from those designated for applications.~~

~~(3) ((Ten calendar days shall be allowed for the applicant to complete and submit forms to the local office. If illness or other unforeseen circumstances prevent the individual from completing his application within ten days the local office may extend the period. Failure to submit the required information within the ten days or the extended period will result in a denial of assistance because eligibility cannot be determined)) The department shall assist an applicant in the completion of application forms specified in subsections (1) and (2) of this section when an applicant's need for such assistance is reasonable.~~

~~(4) ((An application may be made by (a) The person making the request in his own behalf or for his dependent;~~

~~(b) The legal guardian or person otherwise legally eligible to make application on behalf of minors or incompetent persons;~~

~~(c) Any other person acting in behalf of the applicant when the individual cannot make application under one of the preceding methods. Such person shall indicate on form 14PA01 the reason for initiating the application)) The applicant's written statement of application must~~

include all children under nineteen years of age as specified in WAC 388-24-040 living in the home who are full brothers or full sisters, or half brothers or half sisters, or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children.

(5) An application shall contain a written declaration that is made under penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing.

(6) Application for a grant must always be made before investigation is undertaken. Application is made in person at the local office but may be taken in the applicant's home when necessary.

((6)) (7) The form designated by the department as a request for financial and/or medical assistance as provided in subsection (1) of this section shall be signed by the applicant. All other forms involving an application shall be signed by the applicant and his ((t)) or her ((y)) spouse if living together. The foregoing applies irrespective of whether the spouse is included in the application as a dependent.

((7)) (8) A signature by mark requires two witnesses. The signatures of witnesses shall appear on the form and be identified as witnesses.

NEW SECTION

WAC 388-38-045 APPLICANT RESPONSIBILITY FOR PROVIDING INFORMATION. (1) Each applicant must complete and submit application forms as provided in WAC 388-38-040, including other statements in support of application as provided in WAC 388-38-200.

(2) The applicant shall be allowed a reasonable time of not less than ten calendar days to provide statements in support of the application. The department shall extend the time when:

(a) The applicant has provided some, but not all, of the available information. In such cases, the applicant shall be provided written notification of the specified information still required and shall be allowed an additional ten calendar days, or a longer time depending upon the specific circumstances; or

(b) The department, having previously completed the initial interview or requested specific information, subsequently determines the need for different or additional information. In such cases, the applicant shall be provided written notification of the specific additional information required and be allowed an additional ten calendar days, or a longer time depending upon the specific circumstances; or

(c) The applicant, at any time prior to disposal action as provided in WAC 388-38-120, reasonably requests, orally or in writing, additional time to provide statements in support of the application.

(3) When the applicant fails to provide requested statements within the initially specified or extended period, as provided in subsection (2) of this section, the department shall:

(a) Evaluate all available information, and

(b) Determine eligibility for financial assistance according to applicable rules in WAC 388-38-120.

AMENDATORY SECTION (Amending Order 1779, filed 3/11/82)

WAC 388-38-110 TIME LIMIT FOR DISPOSAL. (1) The time limit from the date of application to the date of disposal action as specified in WAC 388-38-120(4) is thirty days for AFDC and forty-five days for GA. In applying this rule, the day application is made is not counted. Each application shall be acted upon as quickly as possible, and within ((thirty days)) applicable time limits unless exceptional circumstances constituting good cause in an individual case require a longer period of time. ((Although no type of application will necessarily require more than thirty days, it may not be possible to reach a decision in certain circumstances such as)) Exceptional circumstances, subject to rules in subsection (2) of this section, considered good cause for delay in disposing of an application include, but are not limited to, the following:

(a) The applicant fails to provide requested verification within ten days of a written request;

(b) ((Cases where)) Eligibility decisions depend on medical reports and there is delay in obtaining such reports from the examining doctor or in securing medical information;

((b) Cases where eligibility decisions depend upon state office action and a delayed decision is caused by the state office not having sufficient or adequate information to make a decision;))

(c) Eligibility depends upon correspondence because of out-of-state or intercity contacts and no other verification is available for the eligibility factor;

~~(d) ((Cases where)) Eligibility depends upon extensive property appraisals(=);~~

~~((d)) Cases where determination of eligibility requires out-of-state or intercity contacts and where the delaying factor is such correspondence.))~~

(2) When one or more exceptional circumstances exist as specified in subsection (1) of this section, good cause for delay in processing an application exists only if all the following conditions have been met:

(a) The department has notified the applicant in writing within twenty days of the date of application of each specific piece of information needed for processing the application; and

(b) In the cases where the department, subsequent to requesting the applicant provide information, determined the need for additional information or action, the department has notified the applicant in writing of the specific information or action needed within five calendar days of the date such need became known to the department; and

(c) The department determined eligibility and disposed of the application within five calendar days of the date the department received information necessary to determine eligibility; and

(d) The department determined whether or not good cause for delay exists and documented such determination in the case record on or before the date the time limit for processing the application expired.

(3) Applications for medical assistance will be disposed of in accordance with WAC 388-84-105 and 388-84-110.

~~((=))~~ (4) For applications submitted in intensive applicant employment services demonstration project areas by persons not exempt from participation under WAC 388-57-095, the date of authorization is the day following termination of participation in the intensive applicant employment services, but shall be no later than thirty days after the date of application unless subsection (1)(a) through (d) of this section is applicable.

#### AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-38-120 DISPOSAL ACTIONS. An application for financial assistance shall be disposed of by:

(1) Approval, that is, determination that the applicant is eligible for assistance;

(2) Denial, that is, determination that the applicant is ineligible for assistance(=), or that ~~((eligibility could not be determined due to lack of))~~ verifying information ~~((or verification))~~ sufficient to establish eligibility is lacking: PROVIDED, That ~~((beginning May 15, 1981))~~;

(a) A delay in obtaining medical information which is beyond the control of both the applicant and the department, when said information is essential to a determination of eligibility, shall not be the basis for denial of financial assistance.

(b) When an applicant fails to provide requested statements in support of application within an initially specified or extended period, as provided in WAC 388-38-045, an eligibility determination shall be made as specified in WAC 388-38-200, and according to the following rules:

(i) Denial is appropriate only because eligibility has not been established, and shall not be supported on the grounds that the applicant has failed to provide requested statements in support of application, or to have done so within the reasonable period allowed. Every such denial must include the information specified in WAC 388-38-172, and in the event the applicant requests a fair hearing to contest the denial, the issue in such de novo hearing shall be whether the applicant can in fact establish his or her eligibility.

(ii) When financial assistance is denied according to subsection (2)(b)(i) of this section, the applicant shall be allowed thirty days from the date of the denial notice to provide all specified information that was not provided. If the applicant, within such thirty-day period, provides the specified information and the applicant's circumstances have not changed to the extent additional information is needed to determine eligibility, the department shall determine eligibility based upon the specified information. If eligibility is established, the department shall rescind the denial and approve assistance based upon the denied application.

(iii) For AFDC, subject to the rules in subsection (2)(b)(i) of this section, financial assistance shall not be denied to the entire assistance unit unless information required to establish eligibility of the entire assistance unit is lacking. When information not provided affects only the eligibility of an individual member or members of the assistance unit, financial assistance shall be denied to such members.

(3) Withdrawal, that is,

(a) Applicant ~~((during or following interview with CSO staff))~~ voluntarily requests ~~((no further consideration be given to his application. Preferably the applicant should write "withdrawn" on the application form and sign his name. If the applicant verbally requests withdrawal a notation shall be made on the application form and in the case record that the application has been withdrawn at applicant's request; and that a notice has been sent to the applicant confirming his notification to the agency that he does not desire to continue his application))~~ orally or in writing that no further consideration be given to the applicant's application. For all withdrawal requests, a notation shall be made in the case record that the application has been withdrawn at applicant's request, and that a notice has been sent as specified in WAC 388-38-172.

(b) Applicant for medical assistance fails to file a written application on forms prescribed by the department.

(c) Applicant fails to report for a scheduled interview and has not contacted the department to reschedule an interview within thirty days from the date of application;

(d) Death occurred before determination of eligibility was completed.

(4) The date an application shall be considered disposed of is:

(a) For approvals, the date a document authorizing assistance payment is correctly processed; and

(b) For denials and withdrawals, the date written notice of the decision as provided in WAC 388-38-172 is given or mailed to the applicant.

#### AMENDATORY SECTION (Amending Order 537, filed 3/31/71, effective 5/1/71)

WAC 388-38-150 ~~((NOTIFICATION OF DECISION))~~ APPLICATION APPROVED—~~((ASSISTANCE AUTHORIZED FOR APPLICANT))~~ NOTICE. An applicant eligible for continuing assistance shall be notified of the ~~((=))~~ decision to authorize a grant according to WAC 388-33-125 when he or she is in his or her own home or boarding and rooming, or WAC 388-34-180 when he or she is living in an institution.

#### AMENDATORY SECTION (Amending Order 537, filed 3/31/71, effective 5/1/71)

WAC 388-38-172 ~~((DENIAL))~~ APPLICATION DENIED OR ~~((WITHDRAWAL))~~ WITHDRAWN—NOTICE. ~~((=))~~ A letter) Written notice shall be ~~((written by the =))~~ given to ~~((the))~~ an individual whose application for ~~((continuing))~~ assistance is denied or withdrawn, except for a withdrawal due to an applicant's death. The notice shall include the following ~~((points must be covered in the letter))~~ information:

~~((=))~~ (1) The basis for the decision including the ~~((gist of the applicable law or policy and a summary of the pertinent facts relating to the decision))~~ reason or reasons for and rules supporting such action. For applications denied according to WAC 388-38-120 (2)(b)(i), the notice must state:

(a) What specified information was requested and not provided including the date of the request; and

(b) That, based upon information provided by the applicant, eligibility for financial assistance has not been established.

~~((=))~~ (2) The date of the decision.

~~((=))~~ (3) The right to a fair hearing. ~~((=))~~ The letter need not include notice of right to a fair hearing when the applicant gives written notice of withdrawal including a statement to that effect on his or her application.

#### AMENDATORY SECTION (Amending Order 1971, filed 6/20/83)

WAC 388-38-200 VERIFYING ELIGIBILITY AND RE-ELIGIBILITY. (1) All facts necessary to determine the eligibility or ineligibility of the applicant or recipient shall be established in accordance with the methods prescribed in this section. The practices described in this section apply ~~((not only))~~ to the initial application for financial assistance ~~((or service but also))~~, to reapplication, reinstatement, and redetermination of eligibility.

(2) In taking applications, determining eligibility, and in administering the assistance programs, the rights of individuals under the U.S. Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964, and all other relevant provisions of federal and state law shall



be respected. This includes the avoidance of practices violating the individual's privacy or subjecting him or her to harassment.

(3) Each determination of eligibility shall include at least one face-to-face interview with the applicant, or if direct contact with ~~((him or her))~~ the applicant is impractical with someone ~~((acting responsibly for him or her))~~ representing the applicant. The department may require a face-to-face interview with the recipient for each redetermination of eligibility.

(4) All factors of eligibility shall be verified ~~unless the department determines eligibility can be accurately determined without verifying one or more of the factors.~~

(5) Factors not subject to change having been sufficiently verified shall not be reverified at a subsequent reapplication, reinstatement, or redetermination of eligibility. Examples of such factors include, but are not limited to, relationship of family members, birthdate to verify age, and deprivation due to death of a parent.

(6) The applicant's statement of his or her circumstances is the first source of information in determining eligibility.

~~((6))~~ (7) The applicant shall be fully informed about the corroborating documentation needed to ~~((verify))~~ establish eligibility and ~~((his or her))~~ the applicant's obligation to secure this himself or herself whenever reasonably possible, or to assist the department in obtaining sufficient information to ~~((establish))~~ determine eligibility.

~~((7))~~ When the applicant is unable to provide verification necessary to establish eligibility, the local office shall obtain substantiating evidence from other sources, such as statements from persons other than the applicant attested to under penalty of perjury.)

(8) ~~((The applicant's signature on the application attests to his or her consent for the department to obtain substantiating evidence from collateral sources))~~ The department shall request the applicant to provide verification documents based upon the availability of such documents. Documents that are readily available shall be requested first if it is anticipated that such documents would be sufficient to determine eligibility.

(9) ~~((When))~~ If eligibility ~~((cannot be))~~ is established ~~((assistance is denied))~~ based upon available verification, the department may request a higher form of verification subsequent to approval and authorization of assistance. Any applicant or recipient aggrieved by such additional request shall have a right to a fair hearing.

(10) An applicant shall not be required to provide a verification document for which a fee is charged unless the department authorizes payment for such fee.

(11) An application shall not be denied or delayed because of an applicant's failure to provide a specific type or form of verification; all alternative verification for an eligibility factor must be accepted and considered in determining eligibility.

(12) When the applicant is unable to provide verification necessary to establish eligibility, the department shall obtain substantiating evidence from other sources, such as statements from persons other than the applicant attested to under penalty of perjury.

(13) When verification for one or more factors is not obtained, the department shall determine eligibility for assistance based upon all available evidence, and if eligibility cannot be reasonably established, assistance shall be denied.

(14) The applicant's signature on the application attests to his or her consent for the department to obtain substantiating evidence from collateral sources.

~~((10))~~ (15) Each decision that an applicant is eligible for or ineligible for assistance or other services shall be supported by information in the case record showing that each eligibility requirement is met or that one or more is not met. Such information includes, but is not limited to, documents supporting eligibility and statements of the reason or reasons for the decision.

and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Income—Self-employment, amending WAC 388-54-750.

It is the intention of the secretary to adopt these rules on an emergency basis on or about March 26, 1986;

that the agency will at 10:00 a.m., Tuesday, May 6, 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 May 14, 1986.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 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 April 22, 1986. The meeting site is in a location which is barrier free.

Dated: March 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. Adopting WAC 388-54-750(4), regarding losses from farm self-employment.

Purpose of the Rule Change: To allow losses from farm self-employment to offset other countable income from the household.

Reason this Rule is Necessary: Required by the Food Security Act (Farm Bill) Public Law 99-198.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: WAC 388-54-750(4) allows farmers to offset losses from farming against other household income. Farm income from self-employment is defined.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Dana Beck, Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-4912.

This rule is necessary to administer the Farm Bill.

This rule is a result of federal regulation, Section 1509 of P.L. 99-198.

#### AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

WAC 388-54-750 INCOME—SELF-EMPLOYMENT. A household whose income is from self-employment shall be certified according to this section.

WSR 86-08-019  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed March 25, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social

(1) The department shall add all gross self-employment income including capital gains and exclude the cost of producing the self-employment income.

(2) For prospective budgeting average income to determine eligibility and payment levels in the beginning months as follows:

(a) Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a twelve-month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

(b) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only a short period of time.

(c) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.

(d) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(3) For retrospective budgeting add all gross self-employment income including capital gains and subtract the cost of doing business from the corresponding report month.

(a) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income.

(b) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed, fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property.

(c) The following items are not to be allowed as a cost of producing self-employment income:

(i) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods;

(ii) Net losses from previous periods; and

(iii) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the eighteen percent earned income deduction specified.

(iv) Depreciation.

(4) Offset losses from farm self-employment against other countable income the household receives. Consider a farmer self-employed if the farmer receives or anticipates receiving annual gross proceeds of at least one thousand dollars from farming. Apply the loss according to the budgeting method in effect for the household.

**WSR 86-08-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2353—Filed March 25, 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 applications, amending chapter 388-38 WAC.

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 rules are necessary to

comply with a court order in the case of *Peterson v. Rahm*, Case No. C84-334M.

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 March 24, 1986.

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

AMENDATORY SECTION (Amending Order 1693, filed 8/12/81)

WAC 388-38-010 DEFINITIONS. (1) "Application" means a form designated by the department as a request for financial and/or medical assistance ((made by a person in his own behalf or in behalf of another person)) completed and submitted to the department according to WAC 388-38-040.

~~((a) An application for financial assistance has been made when the individual expresses in writing to the CSO his desire to receive assistance.~~

~~(b) An application for medical assistance has been made when the individual expresses in writing his desire to receive assistance or to have his eligibility considered:))~~

(2) "Date of application" means the date a completed request form referred to in subsection (1) of this section is received by the department.

(3) "Financial assistance" means a grant payment in the form of a warrant to an eligible recipient.

(4) "Inquiry" means a request for information about the department or its services or about eligibility requirements for assistance. ((Such inquiry may be followed by an application.))

(5) "Reapplication" means, for the purposes of this chapter, an application is filed by an individual within a thirty-day period after the individual's grant termination.

~~((3)) (6) "Statements in support of the application" means ((specifically Form 14PA01)) application forms and any ((other forms required)) verifying documentation acceptable under department ((regulations)) rules which apply to the particular situation.~~

AMENDATORY SECTION (Amending Order 605, filed 9/22/71)

WAC 388-38-030 APPLICATION—((ADMINISTRATIVE STANDARDS)) DEPARTMENT RESPONSIBILITY. (1) An application shall be accepted from anyone ((who wishes)) wishing to apply and shall be acted upon promptly. An application may be made by:

(a) The person making the request in the person's own behalf or for the person's dependent;

(b) The legal guardian or person otherwise legally eligible to make application on behalf of minors or incompetent persons;

(c) Any other person acting in behalf of the applicant when the individual cannot make application under one of the preceding methods. Such person shall indicate the reason for initiating the application.

(2) Each applicant shall be treated with dignity and courtesy, shall be given sufficient opportunity to make his or her pertinent needs known to the department, and to learn what the department can or cannot do for him or her.

(3) Each applicant shall be fully informed of his or her legal rights and responsibilities in connection with public assistance.

(4) Eligibility or ineligibility shall be determined on a factual and objective basis in accordance with the rules and procedures of the department.

(5) Pertinent facts shall be recorded about each application so that records can be audited to determine whether department policies have been followed, continuity of service can be carried out, case planning can be achieved, and services needed and given can be ascertained.

(6) The decision on applications is definite and conclusive and is made known to the applicant together with the reasons for the decision. (See WAC 388-38-150 and 388-38-172.)

(7) Each applicant shall be given a pamphlet entitled "Fair hearings are for you." Each applicant shall receive a brief explanation of rights and procedures in regard to fair hearings.

(8) Each applicant shall be given a written acknowledgement of receipt of the application by the department at the time of making application.

#### AMENDATORY SECTION (Amending Order 943, filed 6/28/74)

~~WAC 388-38-040 ((RECORD)) APPLICATION-RECORDING AND ((SUPPORTING DOCUMENTS)) DOCUMENTING. (1) ((Form 14PA01 shall be used as the applicant's written statement of his application for all public assistance grant categories. This does not apply to a grant being reinstated)) The applicant's written request for financial and/or medical assistance shall be made on a form designated by the department. Such form shall be as brief as administratively feasible and seek only information ordinarily known to an individual.~~

~~(2) ((An application shall contain a written declaration that is made under penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing)) In addition to the request form specified in subsection (1) of this section, the applicant's written statement of application for financial assistance shall be made on forms designated by the department. Forms designated for reapplications may be different from those designated for applications.~~

~~(3) ((Ten calendar days shall be allowed for the applicant to complete and submit forms to the local office. If illness or other unforeseen circumstances prevent the~~

~~individual from completing his application within ten days the local office may extend the period. Failure to submit the required information within the ten days or the extended period will result in a denial of assistance because eligibility cannot be determined)) The department shall assist an applicant in the completion of application forms specified in subsections (1) and (2) of this section when an applicant's need for such assistance is reasonable.~~

~~(4) ((An application may be made by~~

~~(a) The person making the request in his own behalf or for his dependent,~~

~~(b) The legal guardian or person otherwise legally eligible to make application on behalf of minors or incompetent persons;~~

~~(c) Any other person acting in behalf of the applicant when the individual cannot make application under one of the preceding methods. Such person shall indicate on form 14PA01 the reason for initiating the application)) The applicant's written statement of application must include all children under nineteen years of age as specified in WAC 388-24-040 living in the home who are full brothers or full sisters, or half brothers or half sisters, or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children.~~

~~(5) An application shall contain a written declaration that is made under penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing.~~

~~(6) Application for a grant must always be made before investigation is undertaken. Application is made in person at the local office but may be taken in the applicant's home when necessary.~~

~~((6)) (7) The form designated by the department as a request for financial and/or medical assistance as provided in subsection (1) of this section shall be signed by the applicant. All other forms involving an application shall be signed by the applicant and his ((f)) or her((f)) spouse if living together. The foregoing applies irrespective of whether the spouse is included in the application as a dependent.~~

~~((7)) (8) A signature by mark requires two witnesses. The signatures of witnesses shall appear on the form and be identified as witnesses.~~

#### NEW SECTION

WAC 388-38-045 APPLICANT RESPONSIBILITY FOR PROVIDING INFORMATION. (1) Each applicant must complete and submit application forms as provided in WAC 388-38-040, including other statements in support of application as provided in WAC 388-38-200.

(2) The applicant shall be allowed a reasonable time of not less than ten calendar days to provide statements in support of the application. The department shall extend the time when:

(a) The applicant has provided some, but not all, of the available information. In such cases, the applicant shall be provided written notification of the specified information still required and shall be allowed an additional ten calendar days, or a longer time depending upon the specific circumstances; or

(b) The department, having previously completed the initial interview or requested specific information, subsequently determines the need for different or additional information. In such cases, the applicant shall be provided written notification of the specific additional information required and be allowed an additional ten calendar days, or a longer time depending upon the specific circumstances; or

(c) The applicant, at any time prior to disposal action as provided in WAC 388-38-120, reasonably requests, orally or in writing, additional time to provide statements in support of the application.

(3) When the applicant fails to provide requested statements within the initially specified or extended period, as provided in subsection (2) of this section, the department shall:

(a) Evaluate all available information, and

(b) Determine eligibility for financial assistance according to applicable rules in WAC 388-38-120.

AMENDATORY SECTION (Amending Order 1779, filed 3/11/82)

WAC 388-38-110 TIME LIMIT FOR DISPOSAL. (1) The time limit from the date of application to the date of disposal action as specified in WAC 388-38-120(4) is thirty days for AFDC and forty-five days for GA. In applying this rule, the day application is made is not counted. Each application shall be acted upon as quickly as possible, and within ((thirty days)) applicable time limits unless exceptional circumstances constituting good cause in an individual case require a longer period of time. ((Although no type of application will necessarily require more than thirty days, it may not be possible to reach a decision in certain circumstances such as)) Exceptional circumstances, subject to rules in subsection (2) of this section, considered good cause for delay in disposing of an application include, but are not limited to, the following:

(a) The applicant fails to provide requested verification within ten days of a written request;

(b) ((Cases where)) Eligibility decisions depend on medical reports and there is delay in obtaining such reports from the examining doctor or in securing medical information;

((b) Cases where eligibility decisions depend upon state office action and a delayed decision is caused by the state office not having sufficient or adequate information to make a decision;))

(c) Eligibility depends upon correspondence because of out-of-state or intercity contacts and no other verification is available for the eligibility factor;

(d) ((Cases where)) Eligibility depends upon extensive property appraisals((;)).

((d) Cases where determination of eligibility requires out-of-state or intercity contacts and where the delaying factor is such correspondence.))

(2) When one or more exceptional circumstances exist as specified in subsection (1) of this section, good cause for delay in processing an application exists only if all the following conditions have been met:

(a) The department has notified the applicant in writing within twenty days of the date of application of each specific piece of information needed for processing the application; and

(b) In the cases where the department, subsequent to requesting the applicant provide information, determined the need for additional information or action, the department has notified the applicant in writing of the specific information or action needed within five calendar days of the date such need became known to the department; and

(c) The department determined eligibility and disposed of the application within five calendar days of the date the department received information necessary to determine eligibility; and

(d) The department determined whether or not good cause for delay exists and documented such determination in the case record on or before the date the time limit for processing the application expired.

(3) Applications for medical assistance will be disposed of in accordance with WAC 388-84-105 and 388-84-110.

~~((3))~~ (4) For applications submitted in intensive applicant employment services demonstration project areas by persons not exempt from participation under WAC 388-57-095, the date of authorization is the day following termination of participation in the intensive applicant employment services, but shall be no later than thirty days after the date of application unless subsection (1)(a) through (d) of this section is applicable.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-38-120 DISPOSAL ACTIONS. An application for financial assistance shall be disposed of by:

(1) Approval, that is, determination that the applicant is eligible for assistance;

(2) Denial, that is, determination that the applicant is ineligible for assistance((;)), or that ((eligibility could not be determined due to lack of)) verifying information ((or verification)) sufficient to establish eligibility is lacking: PROVIDED, That((, beginning May 15, 1981;))

(a) A delay in obtaining medical information which is beyond the control of both the applicant and the department, when said information is essential to a determination of eligibility, shall not be the basis for denial of financial assistance.

(b) When an applicant fails to provide requested statements in support of application within an initially specified or extended period, as provided in WAC 388-38-045, an eligibility determination shall be made as specified in WAC 388-38-200, and according to the following rules:

(i) Denial is appropriate only because eligibility has not been established, and shall not be supported on the grounds that the applicant has failed to provide requested statements in support of application, or to have done

so within the reasonable period allowed. Every such denial must include the information specified in WAC 388-38-172, and in the event the applicant requests a fair hearing to contest the denial, the issue in such de novo hearing shall be whether the applicant can in fact establish his or her eligibility.

(ii) When financial assistance is denied according to subsection (2)(b)(i) of this section, the applicant shall be allowed thirty days from the date of the denial notice to provide all specified information that was not provided. If the applicant, within such thirty-day period, provides the specified information and the applicant's circumstances have not changed to the extent additional information is needed to determine eligibility, the department shall determine eligibility based upon the specified information. If eligibility is established, the department shall rescind the denial and approve assistance based upon the denied application.

(iii) For AFDC, subject to the rules in subsection (2)(b)(i) of this section, financial assistance shall not be denied to the entire assistance unit unless information required to establish eligibility of the entire assistance unit is lacking. When information not provided affects only the eligibility of an individual member or members of the assistance unit, financial assistance shall be denied to such members.

(3) Withdrawal, that is,

(a) Applicant ((during or following interview with CSO staff)) voluntarily requests ((no further consideration be given to his application. Preferably the applicant should write "withdrawn" on the application form and sign his name. If the applicant verbally requests withdrawal a notation shall be made on the application form and in the case record that the application has been withdrawn at applicant's request, and that a notice has been sent to the applicant confirming his notification to the agency that he does not desire to continue his application)) orally or in writing that no further consideration be given to the applicant's application. For all withdrawal requests, a notation shall be made in the case record that the application has been withdrawn at applicant's request, and that a notice has been sent as specified in WAC 388-38-172.

(b) Applicant for medical assistance fails to file a written application on forms prescribed by the department.

(c) Applicant fails to report for a scheduled interview and has not contacted the department to reschedule an interview within thirty days from the date of application;

(d) Death occurred before determination of eligibility was completed.

(4) The date an application shall be considered disposed of is:

(a) For approvals, the date a document authorizing assistance payment is correctly processed; and

(b) For denials and withdrawals, the date written notice of the decision as provided in WAC 388-38-172 is given or mailed to the applicant.

AMENDATORY SECTION (Amending Order 537, filed 3/31/71, effective 5/1/71)

WAC 388-38-150 ((NOTIFICATION OF DECISION)) APPLICATION APPROVED--((ASSISTANCE AUTHORIZED FOR APPLICANT)) NOTICE. An applicant eligible for continuing assistance shall be notified of the ((LO)) decision to authorize a grant according to WAC 388-33-125 when he or she is in his or her own home or boarding and rooming, or WAC 388-34-180 when he or she is living in an institution.

AMENDATORY SECTION (Amending Order 537, filed 3/31/71, effective 5/1/71)

WAC 388-38-172 ((DENIAL)) APPLICATION DENIED OR ((WITHDRAWAL)) WITHDRAWN--NOTICE. ((+ A letter)) Written notice shall be ((written by the LO)) given to ((the)) an individual whose application for ((continuing)) assistance is denied or withdrawn, except for a withdrawal due to an applicant's death. The notice shall include the following ((points must be covered in the letter)) information:

((a)) (1) The basis for the decision including the ((gist of the applicable law or policy and a summary of the pertinent facts relating to the decision)) reason or reasons for and rules supporting such action. For applications denied according to WAC 388-38-120 (2)(b)(i), the notice must state:

(a) What specified information was requested and not provided including the date of the request; and

(b) That, based upon information provided by the applicant, eligibility for financial assistance has not been established.

((b)) (2) The date of the decision.

((c)) (3) The right to a fair hearing. ((2)) The letter need not include notice of right to a fair hearing when the applicant gives written notice of withdrawal including a statement to that effect on his or her application.

AMENDATORY SECTION (Amending Order 1971, filed 6/20/83)

WAC 388-38-200 VERIFYING ELIGIBILITY AND RE-ELIGIBILITY. (1) All facts necessary to determine the eligibility or ineligibility of the applicant or recipient shall be established in accordance with the methods prescribed in this section. The practices described in this section apply ((not only)) to the initial application for financial assistance ((or service but also)), to reapplication, reinstatement, and redetermination of eligibility.

(2) In taking applications, determining eligibility, and in administering the assistance programs, the rights of individuals under the U.S. Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964, and all other relevant provisions of federal and state law shall be respected. This includes the avoidance of practices violating the individual's privacy or subjecting him or her to harassment.

(3) Each determination of eligibility shall include at least one face-to-face interview with the applicant, or if

direct contact with ~~((him or her))~~ the applicant is impractical with someone ~~((acting responsibly for him or her))~~ representing the applicant. The department may require a face-to-face interview with the recipient for each redetermination of eligibility.

(4) All factors of eligibility shall be verified unless the department determines eligibility can be accurately determined without verifying one or more of the factors.

(5) Factors not subject to change having been sufficiently verified shall not be reverified at a subsequent reapplication, reinstatement, or redetermination of eligibility. Examples of such factors include, but are not limited to, relationship of family members, birthdate to verify age, and deprivation due to death of a parent.

(6) The applicant's statement of his or her circumstances is the first source of information in determining eligibility.

~~((6))~~ (7) The applicant shall be fully informed about the corroborating documentation needed to ~~((verify))~~ establish eligibility and ~~((his or her))~~ the applicant's obligation to secure this himself or herself whenever reasonably possible, or to assist the department in obtaining sufficient information to ~~((establish))~~ determine eligibility.

~~((7) When the applicant is unable to provide verification necessary to establish eligibility, the local office shall obtain substantiating evidence from other sources, such as statements from persons other than the applicant attested to under penalty of perjury:))~~

(8) ~~((The applicant's signature on the application attests to his or her consent for the department to obtain substantiating evidence from collateral sources))~~ The department shall request the applicant to provide verification documents based upon the availability of such documents. Documents that are readily available shall be requested first if it is anticipated that such documents would be sufficient to determine eligibility.

(9) ~~((When))~~ If eligibility ~~((cannot be))~~ is established~~((; assistance is denied))~~ based upon available verification, the department may request a higher form of verification subsequent to approval and authorization of assistance. Any applicant or recipient aggrieved by such additional request shall have a right to a fair hearing.

(10) An applicant shall not be required to provide a verification document for which a fee is charged unless the department authorizes payment for such fee.

(11) An application shall not be denied or delayed because of an applicant's failure to provide a specific type or form of verification; all alternative verification for an eligibility factor must be accepted and considered in determining eligibility.

(12) When the applicant is unable to provide verification necessary to establish eligibility, the department shall obtain substantiating evidence from other sources, such as statements from persons other than the applicant attested to under penalty of perjury.

(13) When verification for one or more factors is not obtained, the department shall determine eligibility for assistance based upon all available evidence, and if eligibility cannot be reasonably established, assistance shall be denied.

(14) The applicant's signature on the application attests to his or her consent for the department to obtain substantiating evidence from collateral sources.

~~((10))~~ (15) Each decision that an applicant is eligible for or ineligible for assistance or other services shall be supported by information in the case record showing that each eligibility requirement is met or that one or more is not met. Such information includes, but is not limited to, documents supporting eligibility and statements of the reason or reasons for the decision.

**WSR 86-08-021**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2354—Filed March 25, 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 Medical care—Applications, amending WAC 388-84-110.

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 pursuant to a court order in the case of *Peterson v. Rahm*, the department is amending WAC 388-38-110. Since this court order does not apply to WAC 388-84-110, the purpose of this amendment is to remove, from WAC 388-84-110, the cross reference to WAC 388-38-110.

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 March 24, 1986.

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

AMENDATORY SECTION (Amending Order 2314, filed 12/5/85)

WAC 388-84-110 APPLICATION—DISPOSITION. (1) Timely determination standards are:

(a) Sixty days for applicants based on disability,

(b) Forty-five days for all other categories~~((;~~

(c) ~~Certain unusual circumstances beyond the administrative control of the CSO may delay a decision on an application))~~.

(2) Each application shall be acted upon within the standards of subsection (1) of this section unless exceptional circumstances in an individual case require a longer period of time. Such exceptional circumstances shall include:

(a) When the CSO cannot reach a decision because the applicant or an examining physician delays or fails to take a required action; or

(b) When there is an administrative or other emergency beyond the control of the CSO.

(3) For cash assistance, approval of the medical assistance is concurrent.

((3)) (4) Applicants for medical assistance will be notified of departmental action by means of a notification of eligibility letter.

((4)) (5) Approval, denial, or withdrawal of the application for medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC, with the exception of WAC 388-38-110. For time limits for disposal of a medical application, subsections (1) and (2) of this section shall apply.

**WSR 86-08-022**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2355—Filed March 25, 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 Food stamps—Income—Self-employment, amending WAC 388-54-750.

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 rules are necessary to implement Section 1509 of P.L. 99-198.

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

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 24, 1986.

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

AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

**WAC 388-54-750 INCOME—SELF-EMPLOYMENT.** A household whose income is from self-employment shall be certified according to this section.

(1) The department shall add all gross self-employment income including capital gains and exclude the cost of producing the self-employment income.

(2) For prospective budgeting average income to determine eligibility and payment levels in the beginning months as follows:

(a) Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a twelve-month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

(b) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only a short period of time.

(c) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.

(d) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(3) For retrospective budgeting add all gross self-employment income including capital gains and subtract the cost of doing business from the corresponding report month.

(a) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income.

(b) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed, fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property.

(c) The following items are not to be allowed as a cost of producing self-employment income:

(i) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods;

(ii) Net losses from previous periods; and

(iii) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the eighteen percent earned income deduction specified.

(iv) Depreciation.

(4) Offset losses from farm self-employment against other countable income the household receives. Consider a farmer self-employed if the farmer receives or anticipates receiving annual gross proceeds of at least one thousand dollars from farming. Apply the loss according to the budgeting method in effect for the household.

**WSR 86-08-023**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 103—Filed March 25, 1986]

I, Duane Berentson, secretary of the Washington State Department of Transportation, do promulgate and adopt at the Transportation Building, Olympia, Washington, the annexed rules relating to motorist information signs, chapter 468-70 WAC.

This action is taken pursuant to Notice No. WSR 86-04-069 filed with the code reviser on February 5, 1986. 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 47.42 RCW which directs that the Department of Transportation has authority to implement the provisions of chapter 47.42 RCW, Scenic Vistas Act.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
APPROVED AND ADOPTED March 17, 1986.

By A. D. Andreas  
Deputy Secretary

✓ 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" right and one panel for "GAS-FOOD-LODGING" left) GAS, FOOD, LODGING, 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 86-08-024**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-11—Filed March 25, 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 rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is in order for catch data to be used for management and allocation of fish, it need be received in a timely manner. The management staff of the department has determined that receipt within four working days will provide timeliness adequate for management purposes. This temporary regulation will allow for immediate implementation until a permanent regulation can be adopted.

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

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

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

APPROVED AND ADOPTED March 21, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

*WAC 220-69-26000A DISTRIBUTION OF FISH RECEIVING TICKETS. Notwithstanding the provisions of WAC 220-69-260, 220-69-262, 220-69-264, and 220-69-26401, effective immediately until further notice in order for the Department to make timely use of catch data for purposes of allocation and management, it is required that the state copy (green) of all fish receiving tickets be received by the Department, or, in the case of treaty Indian fish receiving tickets, that they be received by the Northwest Indian Fisheries Commission, no later than the fourth working day after the day the ticket was completed by the original receiver. For purposes of this section, a working day is defined as Monday through Friday, exclusive of a Washington state holiday.*

**WSR 86-08-025**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
[Memorandum—March 24, 1986]

Please disregard the change of meeting notice regarding the April 1986 regular commission meeting. The meeting will be held on April 24, 1986, beginning at 3:00 p.m., as originally scheduled, and not on April 23, 1986. The meeting will be held in Tacoma, Washington.

**WSR 86-08-026**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[March 20, 1986]

In the Matter of the Adoption  
of the Amendments to CJC  
Preamble 1(C)

NO. 25700-A-378

ORDER

The Rules Committee having recommended the adoption of the Amendment to CJC Preamble 1(C), and the Court having considered the proposed Amendment thereto and having determined that proposed Amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the Amendment as attached hereto is adopted.

(b) That pursuant to GR 9(i) the Amendment will be expeditiously published in the Washington Reports Advance Sheets and shall become effective on the date of publication.

DATED at Olympia, Washington, this 20th day of March, 1986.

James M. Dolliver

Robert F. Utter James A. Andersen

Robert F. Brachtenbach Keith M. Callow

Vernon R. Pearson Wm. C. Goodloe

Fred H. Dore B. Durham

CODE OF JUDICIAL CONDUCT (CJC)

Preamble

- 1. Unchanged.
  - (A) Unchanged.
  - (B) Unchanged.
  - (C) ~~Retired Judge. If a retired appellate court judge engages in the practice of law, he shall be ineligible to serve as a judge pro tempore of an appellate court.~~
- 2. Unchanged.

**WSR 86-08-027**  
**ADOPTED RULES**  
**UNIVERSITY OF WASHINGTON**  
 [Order 86-1—Filed March 26, 1986]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does adopt the annexed rules relating to 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.

This action is taken pursuant to Notice No. WSR 86-04-009 filed with the code reviser on January 24, 1986. 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.20.130 and 39.34.080 which directs that the University of Washington has authority to implement the provisions of RCW 28B.10.355.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 21, 1986.

By Elsa Kircher Cole  
 Assistant Attorney General

**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.
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 R.C.W. 39.34.080, a section of the Interlocal cooperation act and R.C.W. 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 finance and administration 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 finance and administration 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, 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.** All statutes 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 finance and administration 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 86-08-028**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

[Order DLR-091—Filed March 26, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, the annexed rules relating to the staggering of license renewal dates for motor vehicle wreckers, hulk haulers, scrap processors, vehicle dealers, vehicle salespersons, vehicle manufacturers and motor vehicle transporters. In addition, the scrap processor WAC will be amended to delete the June 30 fixed license expiration provision and the vehicle licensing WAC will be amended to delete the

fixed expiration dates of vehicle dealer license plates, vehicle manufacturer license plates and motor vehicle transporter license plates.

This action is taken pursuant to Notice No. WSR 86-01-039 filed with the code reviser on December 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 sections 2, 4, 6 and 8 of HB 399 (chapter 109, Laws of 1985), RCW 46.80.140, ~~46.70.080~~, 46.70.160, 46.76.070 and 46.16-.225 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 10, 1986.

By T. A. Aragon  
Director

NEW SECTION

✓ WAC 308-61-205 EXPIRATION OF MOTOR VEHICLE WRECKER'S LICENSE. (1) A motor vehicle wrecker's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Motor vehicle wrecker license plates shall expire on the same date as the expiration of the license.

✓ NEW SECTION

WAC 308-61-305 EXPIRATION OF HULK HAULER LICENSE. (1) A hulk hauler's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Motor vehicle hulk hauler license plates shall expire on the same date as the expiration of the license.

✓ NEW SECTION

WAC 308-61-405 EXPIRATION OF SCRAP PROCESSOR LICENSE. (1) A scrap processor's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing.

During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Any special license plates issued to a scrap processor shall expire on the same date as the expiration of the license.

NEW SECTION

✓ WAC 308-66-135 EXPIRATION OF DEALER, SALESPERSON AND MANUFACTURER LICENSES. (1) Any dealer, vehicle salesperson and vehicle manufacturer's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance, subject to the provisions of chapter 46.70 RCW.

(2) Motor vehicle dealer license plates and vehicle manufacturer license plates shall expire on the same date as the expiration of the license.

NEW SECTION

✓ WAC 308-80-015 EXPIRATION OF MOTOR VEHICLE TRANSPORTER LICENSE. (1) A motor vehicle transporter license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Motor vehicle transporter license plates shall expire on the same date as the license expires.

AMENDATORY SECTION (Amending Order DOL 684, filed 5/27/82)

✓ WAC 308-61-400 SCRAP PROCESSOR—APPLICATION FOR LICENSE. The application for a scrap processor's license shall contain, in addition to any other information the department may require:

(1) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that the applicant can be found at the address shown on the application.

(2) Evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental Act, chapter 43.24C RCW.

~~((A fee of twenty-five dollars shall accompany each original application. The license expires annually on June 30 and may be renewed prior to that date by filing an application and payment of a renewal fee of ten dollars. Failure to renew the license prior to June 30 will require payment of the original license fee of twenty-five dollars, instead of the ten dollar renewal fee.))~~

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

**AMENDATORY SECTION** (Amending Order MV-355, filed 5/10/76)

✓ **WAC 308-96A-260 STAGGERED LICENSING—ASSIGNMENT OF REGISTRATION YEAR FIRST TIME LICENSED.** Vehicles licensed for the first time in this state after January 1, 1977, will have registration years assigned as follows:

(1) Fleet vehicles, prorated vehicles, vehicles that are eligible for and whose owners desire to purchase quarterly or monthly tonnage including trailers to be towed by such vehicles, and federal and international exempt vehicles will have a registration year beginning with January 1 of the year during which the vehicle is first registered and ending at midnight of December 31 of that same year.

(2) For hire vehicles will have a registration year beginning with July 1 of the current year and ending at midnight of June 30 of the next succeeding calendar year.

(3) Snowmobiles will have a registration year beginning with October 1 and ending at midnight September 30 of the next succeeding calendar year.

(4) Exempt vehicles and vehicles issued horseless carriage or restored vehicle plates are not required to have their licenses renewed so will not have a registration year assigned. This does not apply to federal exempt and to international exempt vehicles.

~~((5) The registration year for dealer and manufacturer license plates will be February 1 through January 31.~~

~~((6) The registration year for transporter license plates will be January 1 through December 31.~~

((7)) (5) All other vehicles, including those issued amateur radio operator plates, personalized plates, and ATV use permits will have a registration year beginning at 12:01 a.m. on the day that the vehicle is first licensed and ending at 12:01 a.m. on the same date of the next succeeding year: PROVIDED, That a license purchased on February 29 will have a renewal date of February 28.

((8)) (6) In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall extend through the end of the next business day.

**WSR 86-08-029**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
[Filed March 26, 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 use of terms "re-elect," "retain," and "return," new section WAC 390-18-040;

that the agency will at 9 a.m., Tuesday, April 22, 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 April 22, 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 April 22, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-04-053 filed with the code reviser's office on February 3, 1986.

Dated: March 26, 1986  
By: Graham E. Johnson  
Executive Director

**WSR 86-08-030**  
**ADOPTED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
[Order 86-02—Filed March 26, 1986]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 390-16-041	Forms—Summary of total contributions and expenditures.
Amd	WAC 390-16-206	Ratings and endorsements.
Amd	ch. 390-24 WAC	Forms for reports of financial affairs.
Amd	WAC 390-32-020	Filing—Fair campaign practices code.

This action is taken pursuant to Notice Nos. WSR 86-04-053, 86-05-041 and 86-06-049 filed with the code reviser on February 3, 1986, February 19, 1986, and March 5, 1986. 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 March 25, 1986.

By Graham E. Johnson  
Executive Director

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-041 FORMS—SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES. The official form for reports of contributions and expenditures by candidates and political committees is designated "C-4", revised 8/83, and includes Schedule A, revised 1/86, Schedule B, revised ((12/81)) 1/86, Schedule C, revised 12/81, and Schedule T, revised 8/83. Copies of this form 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.

CONTRIBUTION AND EXPENDITURE SUMMARY

Form C4: CONTRIBUTION AND EXPENDITURE SUMMARY. Includes fields for Candidate or Committee Name, Address, City, County, Zip, P M Date, Recv. Date, Report Period Covered, From, To, Funds on hand at start of this report period, Checking and Petty Cash, Savings Other, RECEIPTS (lines 1-9), EXPENDITURES (lines 10-18), ELECTION RESULTS (PRIMARY and GENERAL), and RECAPITULATION (lines 19-23). Includes certification statement and signature lines for Candidate and Treasurer.

**PUBLIC DISCLOSURE COMMISSION**  
 403 EVERGREEN PLAZA—FJ-42  
 OLYMPIA, WASHINGTON 98504  
 PHONE: 206-753-1111

PDC FORM <b>C-4</b> <small>Rev. 6/82</small>	<b>CONTRIBUTION AND                  EXPENDITURE SUMMARY</b>
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**INSTRUCTIONS**

Please consult PDC instruction book or RCW 42.17 and WAC 390-18 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).





IN KIND CONTRIBUTIONS and EXPENDITURES,  
PLEDGES and ORDERS PLACED

SCHEDULE B  
to C4

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 on 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				

**IN KIND CONTRIBUTIONS and EXPENDITURES,  
PLEDGES and ORDERS PLACED**

**SCHEDULE B**  
to C4

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	
Enter total on line 18 of C4			_____	

**CONTRIBUTIONS OVER \$5,000 (cash or inkind)**

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.

**CONTRIBUTIONS OVER \$500 (cash or inkind)—SPECIAL REPORTS**

A SEPARATE, SPECIAL REPORT MUST BE MADE FOR EVERY CONTRIBUTION OF OVER \$500 RECEIVED WITHIN 7 DAYS OF A PRIMARY ELECTION OR 21 DAYS OF A GENERAL ELECTION.

THE REPORT MUST BE IN WRITING (C-3, LETTER, TELEGRAM, MAILGRAM) AND RECEIVED BY PDC WITHIN 48 HOURS OR THE FIRST WORKING DAY AFTER RECEIPT OR NOTIFICATION OF THE CONTRIBUTION. THE REPORT MUST INCLUDE THE NAME OF THE RECIPIENT, DATE RECEIVED, AMOUNT, AND CONTRIBUTOR'S NAME AND ADDRESS.

THE REPORT MAY BE MADE BY TELEPHONE TO THE PDC WITHIN THE REQUIRED TIME, IF THE WRITTEN REPORT IS POSTMARKED WITHIN THE REQUIRED TIME ALSO.

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.

**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 84, filed 8/18/76)

✓ WAC 390-16-206 RATINGS AND ENDORSEMENTS. (1) Any person making a measurable expenditure of funds to communicate a rating, evaluation, endorsement or recommendation for or against a candidate or ballot proposition (other than news, feature, or editorial comment in a regularly scheduled issue of a printed periodical or broadcast media program) shall report such expenditure including all costs of preparation and distribution in accordance with RCW 42.17.030 through 42.17.100.

(2) A candidate or sponsor of a ballot proposition who, or a political committee which, is the subject of the rating, evaluation, endorsement or recommendation shall not be required to report such expenditure as a contribution unless the candidate, sponsor, committee or an agent thereof advises, counsels or otherwise encourages the person or committee to make the expenditure.

(3) A candidate who is an officer, director, employee or owner of 10 percent or more in any entity which owns or controls any newspaper, magazine, printed periodical, radio station, television station or other medium of mass communication, and who is provided feature, editorial or advertising space or broadcast time at less than fair market value by the medium with the intent to personally advocate support for his candidacy or to oppose the candidacy of his opponents, must report the fair market value of that space or time as a contribution from the medium. The fair market value shall be the same as that charged for an equal amount of advertising space or time or, if there is no similar space or time, the most expensive advertising space or time sold by the organization.

Chapter 390-24 WAC  
FORMS FOR REPORTS OF FINANCIAL AFFAIRS

WAC

390-24-010	Forms for conflict of interest statement.
390-24-020	Forms for amending conflict of interest statement.
390-24-025	Time for filing conflict of interest statement.
390-24-030	Forms for reports of public office fund.
390-24-100	Definition—Direct financial interest.
390-24-105	Definition—Written sworn statement.
390-24-110	Definition—Debt.
390-24-160	Definition—Professional staff member.
390-24-200	Sufficient descriptions of property.
390-24-205	Report of legislation prepared, promoted or opposed.
390-24-210	Report((s)) of officers and directors of financial institutions.

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-24-010 FORMS FOR CONFLICT OF INTEREST STATEMENT. The official form for conflict of interest statements as required by RCW 42.17.240 is designated "F-1," revised 12/85. The form adopted by WAC 390-24-020 may be used by those persons filing after their first filing of this form. Copies of this form 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.



**PDC FORM F-1 12-85** **CONFLICT OF INTEREST STATEMENT**  
**elected officials, candidates**  
**and state appointed officials**

PDC OFFICE USE

P  
M  
O  
R  
K

**Instructions:**

Include information for yourself, spouse and dependents in your household.  
 Report period: Elected and state appointed officials—preceding calendar year.  
 Candidates and others—preceding 12 calendar months.  
 When due: Elected and state appointed officials—by April 15  
 Candidates and others—within two weeks of becoming a candidate or being newly appointed to a vacancy.  
 SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

R  
E  
C  
E  
I  
V  
E  
D

LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE INITIAL \_\_\_\_\_ NAMES OF SPOUSE AND DEPENDENTS \_\_\_\_\_ POLITICAL PARTY \_\_\_\_\_  
If partisan office or pertinent to appointment

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ COUNTY \_\_\_\_\_ ZIP \_\_\_\_\_

CHECK YOUR FILING STATUS (mark only one box)

An elected or state appointed official filing annual report

Final report as an elected official. Term expired \_\_\_\_\_

Candidate running in the election: month \_\_\_\_\_ year \_\_\_\_\_

Newly appointed to an elective office

Newly appointed to a state appointive office

OFFICE YOU HOLD OR ARE A CANDIDATE FOR: \_\_\_\_\_  
 Office title \_\_\_\_\_  
 County, city or district of the office, name and number: \_\_\_\_\_  
 Position number \_\_\_\_\_  
 Term begins: \_\_\_\_\_ ends: \_\_\_\_\_

**1** **INCOME:** List each source of income, compensation and employment from which you or a family member received \$1,000 or more during the year.

NAME AND ADDRESS OF EMPLOYER OR SOURCE OF COMPENSATION \_\_\_\_\_ OCCUPATION OR HOW COMPENSATION WAS EARNED \_\_\_\_\_ AMOUNT USE CODE \_\_\_\_\_

CHECK HERE  IF CONTINUED ON ATTACHED SHEET

**2** **REAL ESTATE:** List all Washington real estate assessed in value over \$5,000 in which you held a financial interest. (Show partnership, company, etc. real estate on F-1; supplement.)

PROPERTY OWNED OR IN WHICH YOU HELD A FINANCIAL INTEREST DURING THE PERIOD COVERED BY THIS REPORT.

PROPERTY PURCHASED OR IN WHICH YOU ACQUIRED AN INTEREST DURING REPORT PERIOD	NATURE OF FINANCIAL INTEREST (e.g., deed, R.E. contract, lease)	PAYMENT OR CONSIDERATION GIVEN (e.g., cash, mortgage, note, trade)	DOLLAR VALUE USE CODE

PROPERTY SOLD OR IN WHICH YOU DIVESTED AN INTEREST DURING REPORT PERIOD	NAME AND ADDRESS OF PURCHASER	PAYMENT OR CONSIDERATION RECEIVED

CHECK HERE  IF CONTINUED ON ATTACHED SHEET

**3 ASSETS:** List bank and savings accounts, insurance policies, stocks, bonds, and other financial property.

A. Name and address of each bank or financial institution in which you had an account over \$10,000 any time during the report period.	TYPE OF ACCOUNT, DESCRIPTION OF ASSET	VALUE: USE CODE
B. Name and address of each insurance company where you had a policy with a cash or loan value over \$10,000 during the period.		
C. Name and address of each company, union, association, government agency, etc. in which you owned or had a financial interest worth over \$1,000. Include stocks, bonds, ownership, retirement plan, IRA, and other intangible property.		

Check here  if continued on attached sheet

**4 LIABILITIES:** List each creditor owed \$1,000 or more any time during the period. Don't include retail charge accounts or credit cards.

CREDITOR'S NAME AND ADDRESS	TERMS OF PAYMENT	SECURITY GIVEN	AMOUNT USE CODE	
			ORIGINAL	PRESENT

Check here  if continued on attached sheet

**5** Answer each question below. Your answer should cover all time during the reporting period. If you answer yes to any of these questions you must also complete the supplemental page to this report. The supplement is not required if all answers are no.

- A. Are you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union association, joint venture or other entity? \_\_\_\_\_ If yes, complete supplement, Parts A and B.
- B. Do you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business? \_\_\_\_\_ If yes, complete supplement, Parts A, B, and C.
- C. Do you, your spouse or dependents own your own business? \_\_\_\_\_ If yes, complete supplement, Parts A, B, and C.
- D. Have you, your spouse or dependents prepared, promoted or opposed state legislation, rules, rates or standards for current or deferred compensation? (Do Not include pay for your currently-held public office.) \_\_\_\_\_ If yes, complete supplement, Part D.

DOLLAR CODE	AMOUNT	HAVE YOU ? ? ? ?	Certification: I hereby certify under penalty of perjury that the information contained in this report is true and correct.	
A	\$1 to \$1,999	Answered each item?		Signature _____  Telephone _____ Date _____
B	\$2,000 to \$9,999	Put your name on each attached page?		
C	\$10,000 to \$19,999	Kept a copy for your records?		
D	\$20,000 to \$49,999			
E	\$50,000 or more			





PDC FORM F-1 SUPPLEMENT (12/85) CONFLICT OF INTEREST STATEMENT SUPPLEMENT PAGE

PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

LAST NAME FIRST NAME M.I. DATE

A OFFICES HELD, BUSINESS INTERESTS For each corporation, association, union, partnership, joint venture, or other entity in which you are an officer, director, general partner, trustee, or 10 percent or more owner—provide the following information: Entity No., Report name of corporation, association, etc.; Position or ownership: Your office or title or percent of ownership; name of member who has interest; Customers: List each government body, corporation, partnership, joint venture, firm, proprietorship, union, association, business or other commercial entity which paid compensation of \$5,000 or more during the period in this entry listed above; Purpose of payment; Use.

ENTITY NO. 1: POSITION OR OWNERSHIP % SHOW SELF (S) SPOUSE (SP) DEPENDENT (D) CUSTOMERS: PURPOSE OF PAYMENT Check here [ ] if continued on attached sheet

ENTITY NO. 2: POSITION OR OWNERSHIP % SHOW SELF (S) SPOUSE (SP) DEPENDENT (D) CUSTOMERS: PURPOSE OF PAYMENT Check here [ ] if continued on attached sheet

Report additional entities on plain 8 1/2 x 11 paper using above format. Attach pages to this supplement. Put your name on all attachments.

<b>B GOVERNMENT CUSTOMERS:</b> If the government body in which you hold or are running for office has paid compensation to any entity listed in part "A" complete this section.		
NAME OF ORGANIZATION WHICH RECEIVED PAYMENT	GOVERNMENT AGENCY WHICH MADE PAYMENT	DOLLAR AMOUNT PAID AND PURPOSE OF PAYMENT
Check here <input type="checkbox"/> if continued on attached sheet		
<b>C BUSINESS REAL ESTATE:</b> List each parcel of Washington real estate with assessed value over \$10,000 in which a direct financial interest was held by any corporation, partnership, firm, enterprise or other entity in which you, your spouse or dependents own 10% or more.		
DESCRIPTION OF PROPERTY (STREET ADDRESS, TAX DESCRIPTION OR LEGAL DESCRIPTION)		
Check here <input type="checkbox"/> if continued on attached sheet		
<b>D LOBBYING:</b> List persons for whom state legislation or state rules, rates or standards have been prepared or lobbied for current or deferred compensation. Do not list pay from government body in which you are an elected or appointed official or professional staff member.		
PERSON TO WHOM SERVICES RENDERED	DESCRIPTION OF LEGISLATION, RULES, ETC.	COMPENSATION


**AMENDATORY SECTION** (Amending Order 83-03, filed 12/9/83)

WAC 390-24-020 FORMS FOR AMENDING CONFLICT OF INTEREST STATEMENT. (1) The official form for amending conflict of interest statements as required by RCW 42.17.240 for all persons who have previously filed the Form F-1 (~~is hereby adopted for use. This form shall be~~) is designated ((as)) Form "F-1A."

(2) No more than three F-1A forms may be filed to amend a previously submitted conflict of interest statement (Form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new conflict of interest statement (Form F-1) at any time if the amendments shown on an F-1A are of such length or detail so as to be confusing or to create misunderstandings. Authority is delegated to the commission's ((~~administrator~~)) executive director to make this determination.

(4) Copies of Form F-1A (~~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.

 <p><b>PUBLIC DISCLOSURE COMMISSION</b> 403 EVERGREEN PLAZA OLYMPIA, WASHINGTON 98504 206-763-1111</p>	PDC FORM <b>F-1A</b>	<b>CONFLICT OF INTEREST STATEMENT</b> elected officials, candidates and state appointed officials	THIS SPACE FOR OFFICE USE
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<b>INSTRUCTIONS</b> Please refer to the instruction book when completing this report.		<b>DOLLAR CODE</b>													
<b>WHO MUST REPORT:</b> All elected officials, persons appointed to elective office, candidates, designated state appointed officials. (Federal officials precinct committeemen and candidates for those offices are exempt from reporting.)		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;">CODE</th> <th>AMOUNT</th> </tr> <tr> <td>A</td> <td>Less than \$1,000</td> </tr> <tr> <td>B</td> <td>\$1,000 but less than \$5,000</td> </tr> <tr> <td>C</td> <td>\$5,000 but less than \$10,000</td> </tr> <tr> <td>D</td> <td>\$10,000 but less than \$25,000</td> </tr> <tr> <td>E</td> <td>\$25,000 or more</td> </tr> </table>		CODE	AMOUNT	A	Less than \$1,000	B	\$1,000 but less than \$5,000	C	\$5,000 but less than \$10,000	D	\$10,000 but less than \$25,000	E	\$25,000 or more
CODE	AMOUNT														
A	Less than \$1,000														
B	\$1,000 but less than \$5,000														
C	\$5,000 but less than \$10,000														
D	\$10,000 but less than \$25,000														
E	\$25,000 or more														
<b>WHEN TO REPORT:</b> By April 15, each year you hold office. Officials whose terms expire December 31, or in January are still obligated to report the following year. Candidates or persons appointed to office report within two weeks of becoming a candidate or being appointed.		SEND REPORT TO: PUBLIC DISCLOSURE COMMISSION													
Last name _____	First name _____	Middle initial _____	NAMES OF SPOUSE AND DEPENDENTS _____												
Address _____ City _____ County _____ Zip _____			POLITICAL PARTY If partisan office or pertinent to appointment												
OFFICE HELD (for elected or appointed officials) DISTRICT _____ POSITION NO. _____		OFFICE SOUGHT (for candidates) DISTRICT _____ POSITION NO. _____													
Current term—began: _____ ends: _____		If elected, term will begin: _____ ends: _____													

Elected official report covers previous calendar year; candidate report preceding 12 months  
**PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD**

The F-1A report is designed primarily to simplify reporting by persons who have no changes or only minor changes to an F-1 report previously filed.

After filing a complete F-1 report, you may use the F-1A for no more than the next three reports. A complete F-1 must be filed at least every four years.

The Commission reserves the right to require that a complete F-1 report be filed if it believes amendments shown on one or more F-1A reports could cause confusion or misunderstanding to persons reviewing the reports.

Complete the Statements below, sign your report and send it to the Public Disclosure Commission.

Keep a copy for your own records.

**No change report.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ and F-1A reports (if any) dated (1) \_\_\_\_\_, (2) \_\_\_\_\_. There have been no changes to that information during the preceding calendar year.

**Minor change report.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ . The changes listed below have occurred during the preceding calendar year.

F-1 Item No. \_\_\_\_\_ Add \_\_\_\_\_ Delete \_\_\_\_\_ Change \_\_\_\_\_ (Provide all information required by F-1 report.)

**PUBLIC OFFICE FUND:** If you have received contributions or used surplus campaign funds to defray non-reimbursed public office related expenses, you must file a report (PDC F-2) or include those expenses in campaign reports (PDC C-4.) Instructions and forms are available from PDC. F-2 is due Jan 31.

SIGNATURE _____	
<b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct.	TELEPHONE _____ DATE _____

AMENDATORY SECTION (Amending Order 83-03,  
filed 12/9/83)

✓ WAC 390-24-025 TIME FOR FILING CON-  
FLICT OF INTEREST STATEMENT. It shall be the  
policy of the public disclosure commission to construe  
the filing requirements of RCW 42.17.240 for elected  
officials in the following manner: It is the interpretation  
of the commission that:

(1) Any person holding elected public office, except as  
exempted by the terms of RCW 42.17.240, and any ap-  
pointed official and professional staff member listed or  
referenced in RCW 42.17.240, and any appointed offi-  
cial required to comply with the reporting requirements  
of RCW 42.17.240 by any other statute is required to  
file the conflict of interest statement if such person holds  
such public office ~~((in the month of))~~ between January 1  
and April 15 of any year. Such report shall be for the  
~~((twelve months))~~ preceding ~~((that month))~~ calendar  
year.

(2) Any local elected official whose term of office ex-  
pires immediately after December 31 shall file a conflict  
of interest statement for the calendar year which ended  
on that date.

(3) Any local elected official who resigns his public  
office prior to the completion of his current term of office  
shall file a conflict of interest statement covering that  
portion of the year that he was in office.

AMENDATORY SECTION (Amending Order 80-07, filed 12/1/80)

WAC 390-24-030 FORMS FOR REPORTS OF PUBLIC OFFICE FUND. (~~Pursuant to the statutory authority of RCW 42.17.360(1);~~) The official form for reports of public office fund as required by RCW 42.17.243 is (~~hereby adopted for use in reporting to the public disclosure commission. This form shall be~~) designated ((as)) "F-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.



PDC FORM <b>F-2</b> (1/81)	<b>PUBLIC OFFICE FUND                  REPORT</b>
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THIS SPACE FOR OFFICE USE	
P.M. DATE	DATE RECEIVED

PLEASE TYPE OR PRINT CLEARLY

Last Name	First Name	MI	Office You Hold	Period covered by report
Address				<input type="checkbox"/> Jan 1 to Dec 31, 19
City	County	Zip		<input type="checkbox"/> Other / Show Dates
				To _____

**CONTRIBUTIONS RECEIVED (CASH AND CHECKS)**

Date	Contributor's Name and Address	Amount
Check here <input type="checkbox"/> if continued on attached page		<b>TOTAL (Including Attached Pages)</b>

**OTHER CONTRIBUTIONS RECEIVED  
 (INCLUDE TRAVEL AND OTHER IN-KIND GOODS AND SERVICES)**

Date	Contributor's Name and Address. If Value is unknown include description of contribution	Value
Check here <input type="checkbox"/> if continued on attached page		<b>TOTAL (Including Attached Pages)</b>

EXPENDITURES MADE				
Date	Person to Whom Payment Made	Address	Nature of Expenditure	Amount
				TOTAL (including Attached Pages)
Check here <input type="checkbox"/> if continued on attached pages			Signature	Date
CERTIFICATION: I certify that this report is a true and complete account of contributions received and expenditures made to defray non-reimbursed public office expenses as provided in RCW 42.17.243.				

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

✓ WAC 390-24-100 DEFINITION—DIRECT FINANCIAL INTEREST. For the purpose of RCW ((42.17.240)) 42.17.241 (1)(b), the phrase "direct financial interest" means and includes any direct ownership interest in a bank or savings account, in the cash surrender value of an insurance policy, in stocks, bonds, securities, evidences of indebtedness, judgments, accounts receivable, and other monetary claims in liquidated amounts.

The term "direct financial interest" as used in that subsection, shall not be deemed to include:

(1) Any direct financial interest which is required to be reported by such elected official or candidate under any other provision of chapter 42.17 RCW;

(2) An account receivable by a business entity in the ordinary course of such entity's business.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

✓ WAC 390-24-105 DEFINITION—WRITTEN SWORN STATEMENT. The term written, sworn statement for the purposes of RCW 42.17.240(6) shall mean a statement prepared by the elected official or candidate written and sworn to as to truth and accuracy to his best and actual knowledge or belief, of the candidate or elected official.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

✓ WAC 390-24-110 DEFINITION—DEBT. (1) For the purpose of RCW ((42.17.240)) 42.17.241 (1)(c), the term "debt" means and includes a personal obligation or liability to pay or return something of value. (2) The term "debt" as used in RCW ((42.17.240)) 42.17.241 (1)(c) shall not be deemed to include((:)) an account payable of a business entity in the ordinary course of such entity's business.

AMENDATORY SECTION (Amending Order 88, filed 12/29/76)

✓ WAC 390-24-160 DEFINITION—PROFESSIONAL STAFF MEMBER. (1) A professional staff member of the office of the governor and of the Legislature includes all individuals retained on a full or part time basis whose primary responsibilities require the exercise of judgment and discretion in policy related matters, including, but not limited to, such individuals who are involved in the development of legislation. A professional staff member does not include individuals retained primarily for clerical, ministerial, or internal accounting and bookkeeping purposes.

(2) To insure that the provisions of Referendum 36 and this rule are properly and fairly administered and to provide guidance to affected individuals, the commission, through its chairman and ((administrator)) executive director, shall confer annually in December with the governor, the secretary of the senate and the clerk of the house regarding the specific professional staff members

believed to fall within the criteria set forth in ((paragraph)) subsection (1) of this section. The ((administrator)) executive director shall submit a report of those conferences to the commission at its December meeting for approval, disapproval or modification, or other determination. Each determination shall be based on an annual review of the positions and personnel to be retained by the affected governmental bodies during the ensuing year and shall constitute the commission's administrative interpretation of the term "professional staff member" in RCW 42.17.240((1) as amended by Referendum 36,) (2) and (3) and its application to such positions and personnel.

AMENDATORY SECTION (Amending Order 63, filed 9/10/75)

✓ WAC 390-24-200 SUFFICIENT DESCRIPTIONS OF PROPERTY. For the purposes of reporting under RCW ((42.17.240)) 42.17.241 (1)(h)-(k), the commission shall deem the following to be sufficient descriptions of property:

- (1) Complete legal description, or
- (2) Abbreviated legal description as appear on property statements;
- (3) Street address, except when such address is a rural route.

AMENDATORY SECTION (Amending Order 90, filed 1/20/77)

✓ WAC 390-24-205 REPORT OF LEGISLATION PREPARED, PROMOTED OR OPPOSED. (1) Pursuant to RCW ((42.17.240)) 42.17.241 (1)(e), an official must provide in each report required by that subsection:

- (a) The name of each governmental entity of which the official is an officer or employee,
- (b) A statement of each subject area on which the reporting official has ((proposed)) prepared, promoted or opposed any legislation, rule, rate or standard for such entity,
- (c) The compensation received or promised for said service and,

(d) All other persons for whom such services have been performed for current or deferred compensation, together with an itemization of such actual or proposed legislation, rules, rates and standards, and the amount of compensation paid or promised for the service.

(2) A person need not report the information described in subsection (1) (a), (b), and (c) of this section as to any entity of which such person is an elected official.

AMENDATORY SECTION (Amending Order 77, filed 6/2/76)

✓ WAC 390-24-210 REPORT((S)) OF OFFICERS AND DIRECTORS OF FINANCIAL INSTITUTIONS. An elected official or candidate who is an officer or director of a financial institution may comply in part with RCW ((42.17.240)) 42.17.241 (1)(g)(ii) by incorporating by reference a list of the financial institution's officers and directors if such a list has been filed with the

commission by the financial institution in the current year.

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)) 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 86-08-031**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed March 26, 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 medical assistance, amending chapters 388-82, 388-99 and 388-100 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about March 26, 1986;

that the agency will at 10:00 a.m., Tuesday, May 6, 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 May 14, 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 May 6, 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 April 22, 1986. The meeting site is in a location which is barrier free.

Dated: March 25, 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, 388-82-115, 388-99-010 and 388-100-010.

Purpose of the Rule Change: To comply with Title XIX State Agency Letter No. 86-02, November 25, 1985, from Region X, HHS.

Summary of the Rule Change: When determining medical assistance eligibility for a pregnant woman, the number in the household will be increased by one before determining the appropriate need standard.

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

These rules are necessary as a result of federal law, Title XIX State Agency Letter No. 86-02.

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.

(e) A pregnant woman who would be eligible for AFDC if her child were born and living with her. In determining income eligibility for medicaid the number in the household is increased by one before being compared to the AFDC payment standard.

(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 2262, filed 7/31/85)

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

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



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

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

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

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

(d) Earned income tax credits (EITC) must be considered as income for purposes of this subsection.

(4) Current recipients of Title II, SSA benefits who:

(a) Were concurrent recipients of Title II and SSI benefits; and

(b) Became ineligible for SSI benefits and/or state supplementary payments after April 1, 1977; and

(c) Would be eligible for SSI benefits but for Title II cost-of-living benefit increases under Public Law 94-566, section 503, shall be categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care.

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

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

(7) Individuals who are denied AFDC cash payments solely by reason of recovery of overpayment shall be eligible for Medicaid as categorically needy.

(8) A child under five years of age, born after September 30, 1983, and who meets the income and resource requirements of AFDC financial assistance shall be eligible for Medicaid as categorically needy.

(9) Family units which are terminated from AFDC financial assistance solely because of the loss of the thirty dollars plus one-third or the thirty-dollar income exemptions shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC provided that:

(a) The family unit was terminated on or after October 1, 1984.

(b) Family units terminated prior to October 1, 1984, may be eligible for nine months of medicaid beginning with the month of application if they meet the following conditions:

(i) The family unit must apply for medical assistance.

(ii) The family unit must demonstrate that, if the income exemptions had been applied, the family unit would have been eligible for each month for AFDC from the time of termination of AFDC to the time of application for medical assistance.

(iii) The family unit must disclose any health insurance coverage in effect for members of the assistance unit.

(10) A child born to a woman eligible for and receiving medical assistance on the date of the child's birth, shall be eligible for medical assistance on the date of birth and shall remain eligible for a period of one year if:

(a) The child remains a member of the mothers household; and

(b) The mother remains eligible for medical assistance; and

(c) The child was born on or after October 1, 1984.

(11) Family units which become ineligible for AFDC financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of such ineligibility; provided that the family unit:

(a) Received AFDC financial assistance in at least three of the six months immediately preceding the month of such ineligibility; and

(b) Became ineligible for AFDC during or after the month of August 1984 and prior to October 1, 1988.

(12) ~~((Other))~~ A pregnant ((women)) woman who does not meet the ((income and resource)) deprivation requirements of AFDC financial assistance shall be eligible for medical assistance as categorically needy if:

(a) She would meet the AFDC financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and

(b) She meets the AFDC financial assistance resource requirements.

(13) Individuals denied AFDC or SSI cash assistance solely because of deeming of income of alien sponsors.

#### 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 benefit cap.

(6) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse if:

(a) The ineligible spouse is related to the SSI program due to being aged, blind, or disabled; and

(b) The ineligible spouse is not receiving an SSI payment in his/her own right; and

(c) The income of the couple, including SSI payment, are considered.

(7) A child under five years of age, born after September 30, 1983.

(8) A pregnant woman who does not meet the aid to families with dependent children (~~((deprivation and))~~) income, resource and/or deprivation requirements. For this subsection:

(a) The period of eligibility includes the six weeks following delivery to cover the post partum care; and

(b) The number in the household shall be increased by one before being compared to the medically needy income level in WAC 388-99-020; and

(c) The number in the household shall be increased by one before being compared to the resource level in WAC 388-99-035.

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

WAC 388-100-010 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—ELIGIBILITY DETERMINATION.

(1) Citizenship and residency are not requirements for eligibility. However, (a) an individual who is eligible for medical care from another state is not eligible for LCP-MI, (b) an individual who enters Washington state specifically for the purpose of obtaining medical care is not eligible for LCP-MI.

(2) Persons receiving LCP-MI shall meet the following eligibility standards:

(a) The individual is not receiving continuing cash assistance or eligible for any other medical program.

(b) Income shall not exceed the medically needy income level in WAC 388-99-020 or shall be spentdown to that level according to procedures in WAC 388-99-030.

(c) Nonexempt resources shall not exceed the resource standard for SSI or shall be spentdown to that level according to procedures in WAC 388-100-015.

(d) The applicant who has transferred resources within two years prior to the date of application but after July 1, 1981, shall spenddown the uncompensated value of the resource as described in WAC 388-100-010. See WAC 388-99-035(2) for determining the uncompensated value of the transferred resource.

(e) For a pregnant woman who does not meet the AFDC income, resource and/or deprivation requirements:

(i) The number in the household shall be increased by one before being compared to the income requirements of (b) of this subsection; and

(ii) The number in the household shall be increased by one before being compared to the resource requirements of (c) of this subsection.

(3) Use AFDC income guidelines in chapter 388-28 WAC to determine treatment of income. Except the AFDC earned income exemption of thirty dollars plus one-third of the remainder does not apply to individuals applying for LCP-MI.

(4) Use AFDC resource guidelines in chapter 388-28 WAC to determine exempt resources.

(5) Satisfy the deductible requirement in WAC 388-100-030.

**WSR 86-08-032**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2356—Filed March 26, 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 food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 86-03-006 filed with the code reviser on January 3, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 24, 1986.

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

AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

✓ WAC 388-54-601 **DEFINITIONS.** (1) **Beginning months** – The first month the household is eligible for food stamp benefits and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive coupons. This includes households who are found eligible but do not receive benefits due to proration.

(2) **Compliance date** – The last day in the process month that the community services office (CSO) will process monthly status reports.

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

(4) **Food stamp monthly reporting** – The eligibility requirement for food stamp recipients to submit a monthly report of household circumstances as specified in WAC 388-54-768(1).

(5) Migrant farmworker – A person who works in seasonal agricultural employment and is required to be absent overnight from his or her permanent place of residence.

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

~~((6))~~ (7) **Process month** – The second month of the budgeting cycle. The month in which the monthly status report is to be returned by the client to the CSO.

~~((7))~~ (8) **Prospective budgeting** – The computation of a household's income based on income which has been received or anticipated income the household and the

department are reasonably certain will be received during the month of issuance. Travel advances and income of students are treated per WAC 388-54-655 (3)(b) and 388-54-735(9), respectively.

~~((8))~~ (9) **Prospective eligibility** – The determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((9))~~ (10) **Report month** – The first month of the budgeting cycle. The month for which the recipient reports his or her circumstances.

~~((10))~~ (11) **Retrospective budgeting** – The computation of a household's income for a payment month based on actual income which existed in the corresponding report month of the budgeting cycle.

~~((11))~~ (12) **Retrospective eligibility** – The determination of eligibility based on retrospective budgeting rules and other circumstances existing in the report month.

(13) Seasonal farmworker – A person who works in seasonal agricultural employment and is not required to be absent from his or her permanent place of residence overnight.

AMENDATORY SECTION (Amending Order 1956, filed 4/6/83)

✓ WAC 388-54-655 **APPLICATION AND PARTICIPATION—DESTITUTE HOUSEHOLDS.** (1) Migrant or seasonal farmworker households are considered destitute and eligible for expedited service as defined in WAC 388-54-601 (5) and (13) under the following circumstances:

(a) Households whose only income for the month of application was received prior to the date of application and was from a terminated source.

(b) Households whose only income for the month of application is from a new source, if income of more than twenty-five dollars from the new source will not be received by the tenth calendar day after the date of application.

(2) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.

(3) **Travel advances:**

(a) Which are reimbursements of travel expenses will not affect the determination that a household is destitute.

(b) Which by written contract are an advance on wages and will subsequently be subtracted from wages earned later:

(i) Shall count as income in the month actually received;

(ii) Shall not affect the determination of whether subsequent payments from the employer are from a new source of income;

(iii) Shall not affect the determination of whether a household shall be considered destitute.

(4) Households whose income must be averaged on an annual basis, or averaged over the period the income is

intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before a determination of destitution is made.

(5) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.

(a) A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief.

(b) A migrant who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income to a new source.

(6) Households other than migrant or seasonable farmworkers shall not be classified as destitute.

**WSR 86-08-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2357—Filed March 26, 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 medical assistance, amending chapters 388-82, 388-99 and 388-100 WAC.

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 rules are necessary to implement federal requirements set forth in Title XIX State Agency Letter No. 86-02.

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 March 25, 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.
- (e) A pregnant woman who would be eligible for AFDC if her child were born and living with her. In determining income eligibility for medicaid the number in the household is increased by one before being compared to the AFDC payment standard.

(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 2262, filed 7/31/85)

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

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

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

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

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

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

(d) Earned income tax credits (EITC) must be considered as income for purposes of this subsection.

(4) Current recipients of Title II, SSA benefits, who:

(a) Were concurrent recipients of Title II and SSI benefits; and

(b) Became ineligible for SSI benefits and/or state supplementary payments after April 1, 1977; and

(c) Would be eligible for SSI benefits but for Title II cost-of-living benefit increases under Public Law 94-566, section 503, shall be categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care.

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

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

(7) Individuals who are denied AFDC cash payments solely by reason of recovery of overpayment shall be eligible for Medicaid as categorically needy.

(8) A child under five years of age, born after September 30, 1983, and who meets the income and resource requirements of AFDC financial assistance shall be eligible for Medicaid as categorically needy.

(9) Family units which are terminated from AFDC financial assistance solely because of the loss of the thirty dollars plus one-third or the thirty-dollar income exemptions shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC provided that:

(a) The family unit was terminated on or after October 1, 1984.

(b) Family units terminated prior to October 1, 1984, may be eligible for nine months of medicaid beginning with the month of application if they meet the following conditions:

(i) The family unit must apply for medical assistance.

(ii) The family unit must demonstrate that, if the income exemptions had been applied, the family unit would have been eligible for each month for AFDC from the time of termination of AFDC to the time of application for medical assistance.

(iii) The family unit must disclose any health insurance coverage in effect for members of the assistance unit.

(10) A child born to a woman eligible for and receiving medical assistance on the date of the child's birth, shall be eligible for medical assistance on the date of birth and shall remain eligible for a period of one year if:

(a) The child remains a member of the mothers household; and

(b) The mother remains eligible for medical assistance; and

(c) The child was born on or after October 1, 1984.

(11) Family units which become ineligible for AFDC financial assistance as a result (wholly or partly) of the

collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of such ineligibility; provided that the family unit:

(a) Received AFDC financial assistance in at least three of the six months immediately preceding the month of such ineligibility; and

(b) Became ineligible for AFDC during or after the month of August 1984 and prior to October 1, 1988.

(12) ~~((Other))~~ A pregnant ~~((women))~~ woman who does not meet the ((income and resource)) deprivation requirements of AFDC financial assistance shall be eligible for medical assistance as categorically needy if:

(a) She would meet the AFDC financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and

(b) She meets the AFDC financial assistance resource requirements.

(13) Individuals denied AFDC or SSI cash assistance solely because of deeming of income of alien sponsors.

#### 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 benefit cap.

(6) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse if:

(a) The ineligible spouse is related to the SSI program due to being aged, blind, or disabled; and

(b) The ineligible spouse is not receiving an SSI payment in his/her own right; and

(c) The income of the couple, including SSI payment, are considered.

(7) A child under five years of age, born after September 30, 1983.

(8) A pregnant woman who does not meet the aid to families with dependent children ~~((deprivation and))~~ income, resource and/or deprivation requirements. For this subsection:

(a) The period of eligibility includes the six weeks following delivery to cover the post partum care, and

(b) The number in the household shall be increased by one before being compared to the medically needy income level in WAC 388-99-020, and

(c) The number in the household shall be increased by one before being compared to the resource level in WAC 388-99-035.

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

WAC 388-100-010 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—ELIGIBILITY DETERMINATION. (1) Citizenship and residency are not requirements for eligibility. However, (a) an individual who is eligible for medical care from another state is not eligible for LCP-MI, (b) an individual who enters Washington state specifically for the purpose of obtaining medical care is not eligible for LCP-MI.

(2) Persons receiving LCP-MI shall meet the following eligibility standards:

(a) The individual is not receiving continuing cash assistance or eligible for any other medical program.

(b) Income shall not exceed the medically needy income level in WAC 388-99-020 or shall be spentdown to that level according to procedures in WAC 388-99-030.

(c) Nonexempt resources shall not exceed the resource standard for SSI or shall be spentdown to that level according to procedures in WAC 388-100-015.

(d) The applicant who has transferred resources within two years prior to the date of application but after July 1, 1981, shall spenddown the uncompensated value of the resource as described in WAC 388-100-010. See WAC 388-99-035(2) for determining the uncompensated value of the transferred resource.

(e) For a pregnant woman who does not meet the AFDC income, resource and/or deprivation requirements:

(i) The number in the household shall be increased by one before being compared to the income requirements of (b) of this subsection; and

(ii) The number in the household shall be increased by one before being compared to the resource requirements of (c) of this subsection.

(3) Use AFDC income guidelines in chapter 388-28 WAC to determine treatment of income. Except the AFDC earned income exemption of thirty dollars plus one-third of the remainder does not apply to individuals applying for LCP-MI.

(4) Use AFDC resource guidelines in chapter 388-28 WAC to determine exempt resources.

(5) Satisfy the deductible requirement in WAC 388-100-030.

WSR 86-08-034

NOTICE OF PUBLIC MEETINGS  
SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—March 25, 1986]

The regular meeting of the board of trustees of Seattle Community College District scheduled for 6:00 p.m., Tuesday, April 15, 1986, at North Seattle Community College, has been canceled.

WSR 86-08-035

ADOPTED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)

[Order 244—Filed March 26, 1986—Eff. May 1, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

- Amd WAC 356-22-080 Applications—Disqualification—Notice requirement.
- Amd ch. 356-34 WAC Disciplinary actions—Appeals.

This action is taken pursuant to Notice Nos. WSR 86-04-043 and 86-04-044 filed with the code reviser on January 31, 1986. These rules shall take effect at a later date, such date being May 1, 1986.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 13, 1986.

By Leonard Nord  
Secretary

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.))~~

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.

(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. 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 86-08-036**

**NOTICE OF PUBLIC MEETINGS**

**HIGHER EDUCATION PERSONNEL BOARD**

[Memorandum—March 26, 1986]

**NOTICE OF MEETING DATE CHANGE AND LOCATION CHANGES**

<u>Former Date</u>	<u>New Date</u>	<u>Former Location</u>	<u>New Location</u>
May 16, 1986	May 9, 1986	Washington State University Pullman, WA	Highline Community College 240th and Pacific Highway South Midway, WA
June 20, 1986	(no change)	Big Bend Community College 24th and Andrews Moses Lake, WA	Washington State University Pullman, WA

**WSR 86-08-037**

**ADOPTED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Order 146—Filed March 26, 1986—Eff. May 1, 1986]

Be it resolved by the Higher Education Personnel Board, acting at North Seattle Community College, Seattle, Washington, that it does adopt the annexed rules relating to holidays, amending WAC 251-22-040.

This action is taken pursuant to Notice No. WSR 86-04-079 filed with the code reviser on February 5, 1986. These rules shall take effect at a later date, such date being May 1, 1986.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED March 21, 1986.

By John A. Spitz  
Director

**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 86-08-038**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed March 26, 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, April 18, 1986, in the Library Media Center, Skagit Valley College, Mt. Vernon, 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.

This notice is connected to and continues the matter in Notice No. WSR 86-04-078 filed with the code reviser's office on February 5, 1986.

Dated: March 25, 1986

By: John A. Spitz  
Director

**WSR 86-08-039**

**ADOPTED RULES**

**DEPARTMENT OF FISHERIES**

[Order 86-12—Filed March 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 rules.

This action is taken pursuant to Notice No. WSR 86-05-040 filed with the code reviser on February 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED March 25, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

✓ WAC 220-32-021 **LAWFUL GEAR AND SEASONS—SMELT.** (1) It ~~((shall be lawful in the main Columbia River to take;))~~ is unlawful to fish for ~~((and))~~ or possess smelt taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except with gill nets, hand dip nets and ~~((with any))~~ trawl net ~~((that is constructed with mesh not exceeding 2 inches stretch measure and the ground line or foot rope of the trawl net does not exceed 25 feet in length.~~

~~((1))~~ (1) It shall be lawful to take, fish for and possess smelt taken for commercial purposes with hand dip nets in tributaries flowing in the Columbia River downstream from a point 5 miles below Bonneville Dam)) gear.

~~((2))~~ (a) Trawl net gear - It is unlawful to fish more than one trawl net from a boat at one time or with trawl gear that exceeds the following specifications:

(i) The head rope of the trawl may not exceed 25 feet in length;

(ii) The foot rope or groundline of the trawl may not exceed 25 feet in length;

(iii) The dimensions of the trawl's otter doors may not exceed 3 feet by 4 feet;

(iv) The bag length of the trawl, as measured from the center of the head rope to the terminal end of the bunt, may not exceed 35 feet;

(v) The bridled rope from the rear of the otter doors to the foot and head ropes may not exceed 8 feet;

(vi) Each breast rope may not exceed 5 feet; and

(vii) Mesh size used in the trawl may not exceed 2 inches stretch measure.

(b) Gill net gear - It ~~((shall be))~~ is unlawful to ~~((take;))~~ fish for or possess smelt ~~((in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E))~~ taken with gill net gear containing mesh larger than 2 inches stretch measure.

(c) Hand dip net gear - It is unlawful to fish for or possess smelt taken with hand dip net gear measuring more than 36 inches across the bag frame.

(2) Seasons - It is unlawful to fish for or possess smelt taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, or 1E except as provided for in this subsection:

(a) Trawl season -

(i) Salmon Management and Catch Reporting Area 1A is open from 6 p.m. Monday to 6 p.m. Wednesday of each week from March 1 through March 31.

(ii) Salmon Management and Catch Reporting Areas 1B, 1C, 1D, and 1E are open 7 days per week from

December 1 through March 31 of the following year for boats not exceeding 32 feet in length.

(b) Gill net season - Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E are open 7 days per week from December 1 of each year through March 31 of the following year.

(c) Hand dip net season -

(i) Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E are open 7 days per week from December 1 of each year through March 31 of the following year.

(ii) Tributaries to Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E are open 7 days per week from December 1 of each year through March 31 of the following year, except that it is unlawful to fish for smelt within one mile of any dam or other obstruction or in the Cowlitz River upstream from a monument located at Peterson's Eddy, also known as Miller's Eddy.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

✓ WAC 220-32-042 COLUMBIA RIVER—WEEKLY CLOSURES—SMELT. (915)

**WSR 86-08-040**

**ADOPTED RULES**

**DEPARTMENT OF FISHERIES**

[Order 86-13—Filed March 27, 1986]

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

This action is taken pursuant to Notice No. WSR 86-05-039 filed with the code reviser on February 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED March 25, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**AMENDATORY SECTION** (Amending Order 85-20, filed 4/9/85)

✓ WAC 220-57A-185 WILDERNESS LAKE (KING COUNTY). Bag limit I(~~=April 21 through September 2~~)).

**AMENDATORY SECTION** (Amending Order 85-20, filed 4/9/85)

✓ WAC 220-57A-190 WYNOOCHEE RESERVOIR (GRAYS HARBOR COUNTY). Bag limit I(~~=April 21 through October 31~~)).

**WSR 86-08-041**

**PROPOSED RULES**

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

[Filed March 27, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning chapter 391-45 WAC, unfair labor practice case rules, repealing WAC 391-45-171;

that the agency will at 3:00 p.m., Wednesday, May 7, 1986, in the Conference Room, Washington State Ferry System, Colman Dock, 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 34.04.022, 41.58.050, 41.56.090 and 41.59.110.

The specific statute these rules are intended to implement is RCW 34.04.022 and chapter 47.64 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 1986.

Dated: March 27, 1986

By: Marvin L. Schurke  
Executive Director

**STATEMENT OF PURPOSE**

Title: Chapter 391-45 WAC, Unfair labor practice case rules.

Description of Purpose: To govern proceedings before the Public Employment Relations Commission on petitions for unfair labor practice.

Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090 and 41.59.110.

Summary of Rule: WAC 391-45-171 is repealed.

Reasons Supporting Proposed Action: Chapter 58, Laws of 1983, amended RCW 41.56.170 to delete a five-day time limit on the filing of an answer to a complaint charging unfair labor practices. Repeal of WAC 391-45-171 will permit the general rule on answers (set forth in WAC 391-45-170) to operate, thus implementing the legislative mandate of RCW 41.58.005 for uniformity in the administration of collective bargaining statutes by the commission.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marvin L. Schurke, Executive Director, Public Employment Relations Commission, 603 Evergreen Plaza, Olympia, Washington 98504, phone (206) 753-3444.

Person or Organization Proposing Rule and Whether Public, Private, or Governmental: Public Employment Relations Commission, a state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: These changes are made to conform the rules adopted by the Public Employment Relations Commission to recent legislative changes.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-45-171 SPECIAL PROVISION—PUBLIC EMPLOYEES.

**WSR 86-08-042**  
**ADOPTED RULES**  
**LIBRARY COMMISSION**  
[Order 86-01—Filed March 27, 1986]

Be it resolved by the Washington State Library Commission, acting at the Timberland Regional Library Service Center, 415 Airdustrial Way S.W., Olympia, WA, that it does adopt the annexed rules relating to rules and regulations for operating the Western Library Network, SSB 3047, chapter 21, Laws of 1985, chapter 304-25 WAC, Western Library Network Computer Service.

This action is taken pursuant to Notice No. WSR 86-03-048 filed with the code reviser on January 15, 1986. 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 Library Commission as authorized in RCW 27.04.030.

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 March 13, 1986.

By Nancy Zussy  
Secretary

#### AMENDATORY SECTION (Amending Order 1-80, filed 1/11/80)

✓ WAC 304-25-030 DEFINITIONS. (1) "Communication systems" are methods by which information, thoughts, or opinions are exchanged, transmitted or imparted across distances by writing, signs, telecommunication or public or private delivery services.

(2) "Computer service" means the communications facilities, computers, and peripheral computer devices and software supporting the automated library system and resource sharing network, developed by the state of Washington.

(3) "Continuing education and training" pertains to planned learning activities to provide relevant knowledge

and/or skills for improvement of competencies and development of staff. Learning activities include group and individual experiences, academic instruction, workshops, seminars, programmed instruction, use of educational technology, and other learning experiences.

(4) "Interlibrary loan system" means the accepted procedures among libraries by which library materials are made available in some format to users of another library.

(5) "Interlibrary system" is defined as a cooperative, or agreements among libraries, library systems, and/or related organizations and institutions crossing jurisdictional, institutional, and/or political boundaries to provide a common enterprise for mutual benefits.

(6) "Library" means any of the following:

(a) Academic library in a community college, college or university either publicly or privately funded;

(b) Public library supported in whole or in part with moneys derived from taxation, which renders library/information service to the general population;

(c) School learning resources centers in the publicly supported common school system or in a privately supported school;

(d) Special library in public or private sector whose collection is limited in subject scope and size, characterized by depth of subject coverage, and serving a specialized clientele.

(7) "Library service area" is a geographic subdivision of Washington state, established by the Washington state library commission, within which libraries organize for the purpose of working cooperatively to promote multitype library cooperation and mutual support at the local level. Boundaries of library service areas are determined on the basis of the following criteria: Existing public library boundaries; commonality with existing boundaries of multicounty educational and social agencies; location of public institutions of higher education; recognition of current transportation and communication patterns; and population.

(8) "Network" means the ((Washington)) western library network which is an organization of autonomous, geographically dispersed participants using the interlibrary system, the reference and referral system, the telecommunications system, and the WLN computer service to facilitate resource sharing.

(9) "Network service center" is the Washington state library which is responsible for the efficient, effective, and coordinated development and utilization of the network components.

(10) "Protocols" are codes or rules prescribing correct or preferred methods, or routines of accessing and using the resources and services.

(11) "Reference and referral system" pertains to procedures among libraries whereby subject or fact-oriented queries may be referred to another institution when the answering resource or subject expertise is unavailable in the institution originally queried.

(12) "Resource sharing" means a system whereby all people in the state of Washington may have access to library and information resources through utilization of established protocols and procedures regardless of the

individual's location, social or physical condition or level of intellectual development.

(13) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise.

(14) "Telecommunications" includes any point to point transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, microwave radio, optical, or other electromagnetic system, including any intervening processing and storage serving a point to point system. The telecommunications associated with the computer service shall be excluded from network purview.

AMENDATORY SECTION (Amending Order 85-02, filed 9/24/85)

✓ WAC 304-25-560 **COMPUTER SERVICE COUNCIL.** (1) The WLN computer service council hereinafter referred to as the computer service council shall have an upper limit of eleven representatives (~~(elected)~~) from (~~(and by the)~~) members in participating states. The term for Washington computer service council members shall be three years except when resignation, withdrawal from membership, or other factors limit the term of service. (~~(Two Washington state alternates will also be selected for a one-year term.)~~) Washington representatives shall be elected by principal members in Washington state. Other states will determine the term and method of selecting their representatives and alternates.

(2) The computer service council shall have the following representation: Four members representing libraries within Washington state, at least three of whom shall be from principal member libraries; one member representing each of the other states where at least three libraries participate in the computer service. The executive officer of the computer service shall have ex officio and voting status.

(3) Elected representatives on the computer service council shall serve no more than two consecutive full terms. Former representatives, after an interval of at least one year, may be reelected.

(4) (~~(Any vacancy which occurs among Washington representatives during an unexpired term shall be filled by appointment from the alternate positions as designated by the Washington members of the computer service council.~~)

(5)) Officers of the computer service council shall be the chairperson and vice chairperson who shall be elected from and by the computer service council for a one-year term. The executive officer of the computer service, or designee, shall serve as secretary.

((~~6~~)) (5) The computer service council shall develop and establish procedures or bylaws for the conduct of meetings and transaction of business.

**WSR 86-08-043**

**ADOPTED RULES**

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

[Order 85-15—Filed March 27, 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.

This action is taken pursuant to Notice No. WSR 86-04-046 filed with the code reviser on January 31, 1986. 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 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 March 21, 1986.

By John Swannack  
Assistant Director

Chapter 365-140

**STATE FUNDING OF LOCAL EMERGENCY FOOD PROGRAMS**

WAC	
365-140-010	Authority.
365-140-020	Purpose.
365-140-030	Definitions.
365-140-040	Grantee Funding Allocation.
365-140-050	Applicant Eligibility Criteria.
365-140-060	Financial Support Application Process.

NEW SECTION

~~WAC~~ 365-140-010 **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 365-140-020 **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 365-140-030 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 public or 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 365-140-040 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 public or 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 public or 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 365-140-050 APPLICANT ELIGIBILITY CRITERIA. (1) The Applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, have a sponsor providing 501(c)3 status, or be a public nonprofit agency.

(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 365-140-060 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, 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 86-08-044**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**  
 [Order 86-01—Filed March 27, 1986]

I, Ralph Munro, director of the Office of Secretary of State, do promulgate and adopt at the Office of the Secretary of State, the annexed rules relating to the implementation of chapter 29.57 RCW and P.L. 98-435 concerning providing accessible polling places and permanent voter registration facilities for persons who are elderly and disabled.

I, Ralph Munro, 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 portions of these rules implement reporting procedures with which counties must comply by April 1, 1986. They are adopted as emergency rules in order to provide the maximum opportunity for public comment on the content of the proposed rules before that statutory deadline.

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

This rule is promulgated pursuant to RCW 29.57.170 which directs that the Secretary of State has authority to implement the provisions of chapter 29.57 RCW.

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

APPROVED AND ADOPTED March 26, 1986.

By Laura Eckert  
 Assistant Secretary of State

REGULATIONS ON ACCESSIBILITY OF  
 POLLING PLACES AND PERMANENT VOTER  
 REGISTRATION FACILITIES TO ELDERLY  
 VOTERS OR DISABLED VOTERS

- WAC 434-57-010 Purpose.
- WAC 434-57-020 Definitions.
- WAC 434-57-030 Standards for accessible polling places and permanent voter registration facilities.
- WAC 434-57-040 Use of public buildings as polling places.
- WAC 434-57-050 Assistance from persons with disabilities.
- WAC 434-57-070 Report of polling places.
- WAC 434-57-080 Examination of inaccessible polling places.
- WAC 434-57-090 Procedures for inaccessible polling places.
- WAC 434-57-100 Accessible polling places—exceptions.
- WAC 434-57-120 Accessible permanent voter registration facilities.
- WAC 434-57-130 Voting and registration instructions.
- WAC 434-57-150 Notice of accessibility.

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

NEW SECTION

WAC 434-57-010 **PURPOSE.** These regulations are adopted pursuant to RCW 29.57.170 to implement the provisions of chapter 29.57 RCW and the requirements of Public Law 98-435 regarding the accessibility of polling places and voter registration facilities for federal elections.

NEW SECTION

WAC 434-57-020 **DEFINITIONS.** As used in these regulations:

(1) "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters who are elderly or disabled. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting or voter registration.

(2) "Alternative polling place" means an accessible location which could be used as a polling place in the event that the existing site is inaccessible and which is

reasonably convenient to assigned voters as determined by the county auditor.

(3) "County auditor" means the county auditor or county election official.

(4) "Election" means any primary, special or general election for any federal office.

(5) "Federal election" means a primary, special or general election for the office of President, Vice President, United States Senator or United States Representative.

(6) "Permanent voter registration facilities" means any offices or other locations specifically required to provide voter registration services under chapter 29.07 RCW or the location of any deputy registrar appointed by the county auditor to serve for an indefinite period of time.

(7) "State of emergency" means any condition which, in the opinion of the county auditor and secretary of state, would interfere with the safe and efficient conduct of an election.

#### AMENDATORY SECTION

WAC 434-57-030 STANDARDS FOR ACCESSIBLE POLLING PLACES AND PERMANENT VOTER REGISTRATION FACILITIES. ((This regulation is adopted pursuant to RCW 29.57.030 (as amended by section 2, chapter 205, Laws of 1985) to implement the provisions of that chapter and the requirements of Public Law 98-435 regarding the accessibility of polling places for federal elections.))

A polling place is accessible if each of the following standards is met or exceeded. If each of the following standards cannot be met, alternative accommodations may be permitted under ((section 5, chapter 205, Laws of 1985)) RCW 29.57.090. A permanent voter registration facility is accessible if each of the following standards is met or exceeded, except in subsections 3 and 4 where the standard specifically applies to a polling place.

(1) PARKING. Where off-street parking is provided, ((F))there is at least one existing or temporary parking place((;)) at a polling place designated for use on the day of the ((primary or)) election by voters ((with disabilities)) whose vehicle displays a special card, decal or license plate as required by RCW 64.61.381. A polling place, where off-street parking is not available, is considered accessible only if there is no other equally accessible alternative polling place where off-street parking is available which would be suitable for a precinct or group of precincts. Where off-street parking is provided, there is at least one existing parking place at a permanent voter registration facility designated for use by persons who are elderly or disabled. The designated parking place(s) is in close proximity to the accessible entrance to the building containing the polling place or permanent voter registration facility and is no less than twelve feet six inches wide. The area surrounding the designated parking place(s) is a firm, stable surface and generally level, with a maximum slope in any direction of one inch in fifty inches. A slope of one inch in thirty inches in the area surrounding the designated parking place is considered accessible only if all other potential polling places

within a precinct or group of precincts are not and cannot be made to meet this standard.

(2) ACCESSIBLE ROUTE OF TRAVEL. A continuous, unobstructed pathway exists from the accessible parking place(s), where provided, to and through the accessible building entrance and to the polling place or permanent voter registration facility. The accessible route of travel is a minimum of thirty-six inches of clear width and seventy-nine inches in clear height unless otherwise specified in these standards.

(a) WALKWAYS AND RAMPS. Walkways or ramps which occur within the accessible route of travel have a minimum clear width of forty-four inches, no abrupt edge over one-half inch in height, no grating with openings larger than one-half inch, and a maximum slope in the direction of travel less than one inch in twenty inches with a cross slope no more than one inch in fifty inches. The width of walkways and ramps may be thirty-six inches only in instances where it is impractical or unreasonable to provide forty-four inches. If the slope of the accessible route of travel is between one inch in twenty inches and one inch in twelve inches, a level five foot by five foot landing is provided for each thirty inches of rise. Ramps and curb cuts have a slope no more than one inch in twelve inches. Ramps one inch in twenty or steeper have handrails. Curb cuts have a clear width of thirty-six inches and side slopes no more than one inch in six inches.

(b) ENTRANCES. The entrance to the building containing the polling place or permanent voter registration facility is at least thirty-two inches of clear width with a threshold no more than one-half inch in height. The entrance to the building containing a polling place with a threshold of one and one-half inches in height is considered accessible if there is no other equally accessible alternative polling place where the entrance with a threshold of one-half inch in height is available which would be suitable for a precinct or a group of precincts. There is a level, firm, stable and slip resistant surface at least fifty inches wide, at least eighteen inches of which is directly adjacent to the latch side of the door, and five feet deep on both the inside and outside of the door. If the entrance to the building containing the polling place remains in an open position during polling hours, the requirement for the eighteen inches adjacent to the latch side of the door does not apply. If the door is power operated, it is equipped with a time delay.

(c) INTERIOR CORRIDORS. If the entrance to the building containing the polling place or permanent voter registration facility does not open directly to the polling place or permanent voter registration facility, there is an unobstructed route of travel from the entrance of the building to the entrance of the polling place or permanent voter registration facility which is at least forty-four inches wide. If there is an elevator ((in)) on the only accessible route of travel, it is in close proximity to the entrance to the building, it has a minimum interior depth of forty-eight inches, the doors have at least thirty-two inches clear width, and the floor has a firm, stable surface.

(3) POLLING PLACE. There is seating and adequate, unobstructed space for reasonable movement of ~~((elderly)) voters who are elderly or disabled ((and voters with disabilities))~~ within the polling place.

(4) VOTING EQUIPMENT. In polling places in which ballots are cast on voting machines or voting devices, there is at least one machine or device which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the machine, ~~((or)) device ((for a wheelchair))~~ or table for a seated person. Voters may also be provided with paper ballots and a voting booth with a horizontal surface which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the booth ~~((for a wheelchair))~~ or table.

(5) ILLUMINATION. There is sufficient illumination at all points along the accessible route of travel and within the polling place or permanent voter registration facility.

(6) SIGNS. There are signs with large, high contrast lettering which identify ~~((ing the))~~ any available accessible parking spaces ~~((There are signs identifying))~~ and the accessible route of travel to the polling place or permanent voter registration facility if it is different from the primary route of travel to the polling place or permanent voter registration facility. Signs shall prominently display the ~~((i))~~ International ~~((s))~~ Symbol ~~((a))~~ Access as provided by RCW 70.92.120.

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.

NEW SECTION

WAC 434-57-040 USE OF PUBLIC BUILDINGS AS POLLING PLACES. A county auditor may request the legislative authority of a county, municipality or special district for the use of their facility as a polling place when, in the judgment of the county auditor, that facility would provide a location that would best satisfy the requirements of chapter 29.57 RCW. The county auditor shall notify the secretary of state if authorization to use such a facility is not granted and no other accessible location is available.

NEW SECTION

WAC 434-57-050 ASSISTANCE FROM PERSONS WITH DISABILITIES. The secretary of state shall maintain a list of qualified persons from the disability community and other service organizations from which county auditors may seek assistance in reviewing sites.

NEW SECTION

WAC 434-57-070 REPORT OF PRECINCTS AND POLLING PLACES. (1) No later than April 1 of each even-numbered year, each county auditor shall report to the secretary of state, on a form prescribed and provided by the secretary of state, a list of all precincts

and assigned polling places within that county. This report shall specify those polling places which are inaccessible, a summary of the efforts to locate alternative polling places and any measures taken to temporarily modify existing inaccessible polling places.

(2) In 1986, the secretary of state may, on the request of a county auditor, extend the deadline of this report to no later than July 1.

(3) No later than thirty days before the next election in an even-numbered year, a county auditor shall notify the secretary of state of any changes in polling place locations. No changes in polling place locations may be made after that time except where it has been determined that a state of emergency exists.

NEW SECTION

WAC 434-57-080 EXAMINATION OF INACCESSIBLE POLLING PLACES. (1) No later than July 1 in each even-numbered year, or August 1, 1986 when the reporting deadline has been extended, the secretary of state shall review the reports of polling places submitted by each county auditor. The secretary of state shall verify that every effort has been made to locate alternative polling places for each inaccessible polling place and shall check each inaccessible polling place to verify its inaccessibility.

(2) Any polling place for which a report has not been submitted shall be considered inaccessible and shall not be used in an election unless it has been determined that a state of emergency exists.

NEW SECTION

WAC 434-57-090 ACCESSIBLE POLLING PLACES—EXCEPTIONS. An inaccessible polling place shall not be used in federal elections unless the following conditions have been met:

(1) The secretary of state has reviewed and verified the inaccessible polling place, that a reasonable effort has been made to locate an alternative polling place and that measures to temporarily modify the existing polling place are not feasible, and

(2) The registered voters assigned to such an inaccessible polling place have been notified as required, or

(3) It has been determined that a state of emergency exists.

NEW SECTION

WAC 434-57-100 PROCEDURES FOR INACCESSIBLE POLLING PLACES. (1) No later than thirty days before a special election for a federal office or a primary in each even-numbered year, the county auditor shall mail a notice to each registered voter assigned to an inaccessible polling place which has been authorized for use under these rules and shall contain the following information:

(a) The polling place for that precinct is inaccessible, for the election or elections indicated in the notice, according to the accessibility standards established for voters who are elderly and disabled. The extent and nature of inaccessibility shall be specified.



(b) No later than twenty days before the election or elections indicated in the notice, voters who are elderly or disabled may request to be assigned to an alternative polling place as listed in the notice, or may request to vote by absentee ballot.

(c) An absentee ballot request form or instructions for requesting an absentee ballot for the specific election or elections indicated in the notice.

(2) Subsequent to the transmittal of a notice under (1) of this section and no later than thirty days before the next election, the county auditor shall also notify any person who registers to vote and is assigned to a precinct for which the polling place is inaccessible.

(3) The county auditor shall make the following accommodations in voting procedures necessary to allow the use of alternative polling places by voters who are elderly and disabled:

(a) The county auditor shall assemble election materials for voters who request to vote at an alternative polling place. The following materials shall be separated according to the precinct in which the voters are registered and placed into an envelope which clearly identifies that precinct:

(i) a poll book or precinct list which contains the names of only those voters from that precinct assigned to the alternative polling place;

(ii) a ballot for each voter from the precinct in which that voter is registered;

(iii) an envelope for voted ballots which is clearly marked "Ballots for Precinct . . . . . from Alternative Polling Place . . . . . for Elderly and Disabled Voters";

(iv) instructions for the precinct election officers.

(b) The procedures for voting and ballot tabulation for all ballots cast by a voter who is elderly or disabled at an alternative polling place shall be as follows:

(i) The voter shall be given a ballot from the precinct in which that voter is registered and contains all the issues and candidates for which that voter is legally qualified to vote. For lever machine precincts, the voter shall be provided with an appropriate paper ballot.

(ii) After the voter has cast his or her ballot, the ballot shall be placed in a separate ballot box or an envelope designated for ballots cast in an alternative polling place.

(iii) Following the close of the polls, ballots shall be transmitted in the designated envelopes to the county auditor's office. Within each county, all ballots cast at alternative polling places shall be canvassed and reported by legislative district separately from absentee or question ballots.

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

NEW SECTION

WAC 434-57-120 ACCESSIBLE PERMANENT VOTER REGISTRATION FACILITIES. Each county auditor shall provide a reasonable number of accessible permanent voter registration facilities. Each county auditor shall report to the secretary of state, on a form provided by the secretary of state, a list and address of

all permanent voter registration facilities. This list shall identify those facilities which meet the accessibility standards as provided in these rules. Each county auditor shall submit this list with the report of polling places. The secretary of state shall review such lists and determine if the number of accessible permanent voter registration facilities is adequate to meet the needs of persons who are elderly or disabled. If the secretary of state determines that the number of facilities is inadequate, he or she shall notify the county auditor and request additional facilities be provided.

NEW SECTION

WAC 434-57-130 VOTING AND REGISTRATION INSTRUCTIONS. Each county auditor shall conspicuously display voting instructions, printed in at least 16-point bold type, at each polling place on the day of the election. Each county auditor shall also conspicuously display registration instructions, printed in at least 16-point bold type, at each permanent voter registration facility.

NEW SECTION

WAC 434-57-150 NOTICE OF ACCESSIBILITY. Each county auditor shall include a list of polling places, indicating those polling places which are accessible according to the standards for voters who are elderly or disabled, in the notice of election published under RCW 29.27.030 and 29.27.080.

**WSR 86-08-045**

**ADOPTED RULES**

**SECRETARY OF STATE**

[Order 86-02—Filed March 27, 1986]

I, Ralph Munro, director of the Office of Secretary of State, do promulgate and adopt at the Office of the Secretary of State, the annexed rules relating to the implementation of chapter 29.57 RCW and P.L. 98-435 concerning providing accessible polling places and permanent voter registration facilities for persons who are elderly and disabled.

This action is taken pursuant to Notice No. WSR 86-05-053 filed with the code reviser on February 19, 1986. 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 29.57.170 which directs that the Secretary of State has authority to implement the provisions of chapter 29.57 RCW.

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

APPROVED AND ADOPTED March 26, 1986.

By Laura Eckert  
Assistant Secretary of State

**REGULATIONS ON ACCESSIBILITY OF POLLING PLACES AND PERMANENT VOTER REGISTRATION FACILITIES TO ELDERLY VOTERS OR DISABLED VOTERS**

- WAC 434-57-010 Purpose.
- WAC 434-57-020 Definitions.
- WAC 434-57-030 Standards for accessible polling places and permanent voter registration facilities.
- WAC 434-57-040 Use of public buildings as polling places.
- WAC 434-57-050 Assistance from persons with disabilities.
- WAC 434-57-070 Report of polling places.
- WAC 434-57-080 Examination of inaccessible polling places.
- WAC 434-57-090 Procedures for inaccessible polling places.
- WAC 434-57-100 Accessible polling places—exceptions.
- WAC 434-57-120 Accessible permanent voter registration facilities.
- WAC 434-57-130 Voting and registration instructions.
- WAC 434-57-150 Notice of accessibility.

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

**NEW SECTION**

✓ WAC 434-57-010 PURPOSE. These regulations are adopted pursuant to RCW 29.57.170 to implement the provisions of chapter 29.57 RCW and the requirements of Public Law 98-435 regarding the accessibility of polling places and voter registration facilities for federal elections.

**NEW SECTION**

✓ WAC 434-57-020 DEFINITIONS. As used in these regulations:

- (1) "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters who are elderly or disabled. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting or voter registration.
- (2) "Alternative polling place" means an accessible location which could be used as a polling place in the event that the existing site is inaccessible and which is reasonably convenient to assigned voters as determined by the county auditor.
- (3) "County auditor" means the county auditor or county election official.
- (4) "Election" means any primary, special or general election for any federal office.
- (5) "Federal election" means a primary, special or general election for the office of President, Vice President, United States Senator or United States Representative.
- (6) "Permanent voter registration facilities" means any offices or other locations specifically required to

provide voter registration services under chapter 29.07 RCW or the location of any deputy registrar appointed by the county auditor to serve for an indefinite period of time.

(7) "State of emergency" means any condition which, in the opinion of the county auditor and secretary of state, would interfere with the safe and efficient conduct of an election.

**AMENDATORY SECTION**

✓ WAC 434-57-030 STANDARDS FOR ACCESSIBLE POLLING PLACES AND PERMANENT VOTER REGISTRATION FACILITIES. (~~This regulation is adopted pursuant to RCW 29.57.030 (as amended by section 2, chapter 205, Laws of 1985) to implement the provisions of that chapter and the requirements of Public Law 98-435 regarding the accessibility of polling places for federal elections.~~)

A polling place is accessible if each of the following standards is met or exceeded. If each of the following standards cannot be met, alternative accommodations may be permitted under (~~section 5, chapter 205, Laws of 1985~~) RCW 29.57.090. A permanent voter registration facility is accessible if each of the following standards is met or exceeded, except in subsections 3 and 4 where the standard specifically applies to a polling place.

(1) PARKING. Where off-street parking is provided, there is at least one existing or temporary parking place at a polling place designated for use on the day of the election by voters whose vehicle displays a special card, decal or license plate as required by RCW 64.61.381. A polling place, where off-street parking is not available, is considered accessible only if there is no other equally accessible alternative polling place where off-street parking is available which would be suitable for a precinct or group of precincts. Where off-street parking is provided, there is at least one existing parking place at a permanent voter registration facility designated for use by persons who are elderly or disabled. The designated parking place(s) is in close proximity to the accessible entrance to the building containing the polling place or permanent voter registration facility and is no less than twelve feet six inches wide. The area surrounding the designated parking place(s) is a firm, stable surface and generally level, with a maximum slope in any direction of one inch in fifty inches. A slope of one inch in thirty inches in the area surrounding the designated parking place is considered accessible only if all other potential polling places within a precinct or group of precincts are not and cannot be made to meet this standard.

(2) ACCESSIBLE ROUTE OF TRAVEL. A continuous, unobstructed pathway exists from the accessible parking place(s), where provided, to and through the accessible building entrance and to the polling place or permanent voter registration facility. The accessible route of travel is a minimum of thirty-six inches of clear width and seventy-nine inches in clear height unless otherwise specified in these standards.

(a) WALKWAYS AND RAMPS. Walkways or ramps which occur within the accessible route of travel have a minimum clear width of forty-four inches, no abrupt

edge over one-half inch in height, no grating with openings larger than one-half inch, and a maximum slope in the direction of travel less than one inch in twenty inches with a cross slope no more than one inch in fifty inches. The width of walkways and ramps may be thirty-six inches only in instances where it is impractical or unreasonable to provide forty-four inches. If the slope of the accessible route of travel is between one inch in twenty inches and one inch in twelve inches, a level five foot by five foot landing is provided for each thirty inches of rise. Ramps and curb cuts have a slope no more than one inch in twelve inches. Ramps one inch in twenty or steeper have handrails. Curb cuts have a clear width of thirty-six inches and side slopes no more than one inch in six inches.

(b) ENTRANCES. The entrance to the building containing the polling place or permanent voter registration facility is at least thirty-two inches of clear width with a threshold no more than one-half inch in height. The entrance to the building containing a polling place with a threshold of one and one-half inches in height is considered accessible if there is no other equally accessible alternative polling place where the entrance with a threshold of one-half inch in height is available which would be suitable for a precinct or a group of precincts. There is a level, firm, stable and slip resistant surface at least fifty inches wide, at least eighteen inches of which is directly adjacent to the latch side of the door, and five feet deep on both the inside and outside of the door. If the entrance to the building containing the polling place remains in an open position during polling hours, the requirement for the eighteen inches adjacent to the latch side of the door does not apply. If the door is power operated, it is equipped with a time delay.

(c) INTERIOR CORRIDORS. If the entrance to the building containing the polling place or permanent voter registration facility does not open directly to the polling place or permanent voter registration facility, there is an unobstructed route of travel from the entrance of the building to the entrance of the polling place or permanent voter registration facility which is at least forty-four inches wide. If there is an elevator ((im)) on the only accessible route of travel, it is in close proximity to the entrance to the building, it has a minimum interior depth of forty-eight inches, the doors have at least thirty-two inches clear width, and the floor has a firm, stable surface.

(3) POLLING PLACE. There is seating and adequate, unobstructed space for reasonable movement of ((elderly)) voters who are elderly or disabled ((and voters with disabilities)) within the polling place.

(4) VOTING EQUIPMENT. In polling places in which ballots are cast on voting machines or voting devices, there is at least one machine or device which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the machine, ((or)) device ((for a wheelchair)) or table for a seated person. Voters may also be provided with paper ballots and a voting booth with a horizontal surface which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the booth ((for a wheelchair)) or table.

(5) ILLUMINATION. There is sufficient illumination at all points along the accessible route of travel and within the polling place or permanent voter registration facility.

(6) SIGNS. There are signs with large, high contrast lettering which identify((img the)) any available accessible parking spaces((~~There are signs identifying~~)) and the accessible route of travel to the polling place or permanent voter registration facility if it is different from the primary route of travel to the polling place or permanent voter registration facility. Signs shall prominently display the ((i))International ((s))Symbol of ((a))Access as provided by RCW 70.92.120.

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.

#### NEW SECTION

✓ WAC 434-57-040 USE OF PUBLIC BUILDINGS AS POLLING PLACES. A county auditor may request the legislative authority of a county, municipality or special district for the use of their facility as a polling place when, in the judgment of the county auditor, that facility would provide a location that would best satisfy the requirements of chapter 29.57 RCW. The county auditor shall notify the secretary of state if authorization to use such a facility is not granted and no other accessible location is available.

#### NEW SECTION

✓ WAC 434-57-050 ASSISTANCE FROM PERSONS WITH DISABILITIES. The secretary of state shall maintain a list of qualified persons from the disability community and other service organizations from which county auditors may seek assistance in reviewing sites.

#### NEW SECTION

✓ WAC 434-57-070 REPORT OF PRECINCTS AND POLLING PLACES. (1) No later than April 1 of each even-numbered year, each county auditor shall report to the secretary of state, on a form prescribed and provided by the secretary of state, a list of all precincts and assigned polling places within that county. This report shall specify those polling places which are inaccessible, a summary of the efforts to locate alternative polling places and any measures taken to temporarily modify existing inaccessible polling places.

(2) In 1986, the secretary of state may, on the request of a county auditor, extend the deadline of this report to no later than July 1.

(3) No later than thirty days before the next election in an even-numbered year, a county auditor shall notify the secretary of state of any changes in polling place locations. No changes in polling place locations may be made after that time except where it has been determined that a state of emergency exists.

NEW SECTION

✓ WAC 434-57-080 EXAMINATION OF INACCESSIBLE POLLING PLACES. (1) No later than July 1 in each even-numbered year, or August 1, 1986 when the reporting deadline has been extended, the secretary of state shall review the reports of polling places submitted by each county auditor. The secretary of state shall verify that every effort has been made to locate alternative polling places for each inaccessible polling place and shall check each inaccessible polling place to verify its inaccessibility.

(2) Any polling place for which a report has not been submitted shall be considered inaccessible and shall not be used in an election unless it has been determined that a state of emergency exists.

NEW SECTION

✓ WAC 434-57-090 ACCESSIBLE POLLING PLACES—EXCEPTIONS. An inaccessible polling place shall not be used in federal elections unless the following conditions have been met:

(1) The secretary of state has reviewed and verified the inaccessible polling place, that a reasonable effort has been made to locate an alternative polling place and that measures to temporarily modify the existing polling place are not feasible, and

(2) The registered voters assigned to such an inaccessible polling place have been notified as required, or

(3) It has been determined that a state of emergency exists.

NEW SECTION

✓ WAC 434-57-100 PROCEDURES FOR INACCESSIBLE POLLING PLACES. (1) No later than thirty days before a special election for a federal office or a primary in each even-numbered year, the county auditor shall mail a notice to each registered voter assigned to an inaccessible polling place which has been authorized for use under these rules and shall contain the following information:

(a) The polling place for that precinct is inaccessible, for the election or elections indicated in the notice, according to the accessibility standards established for voters who are elderly and disabled. The extent and nature of inaccessibility shall be specified.

(b) No later than twenty days before the election or elections indicated in the notice, voters who are elderly or disabled may request to be assigned to an alternative polling place as listed in the notice, or may request to vote by absentee ballot.

(c) An absentee ballot request form or instructions for requesting an absentee ballot for the specific election or elections indicated in the notice.

(2) Subsequent to the transmittal of a notice under (1) of this section and no later than thirty days before the next election, the county auditor shall also notify any person who registers to vote and is assigned to a precinct for which the polling place is inaccessible.

(3) The county auditor shall make the following accommodations in voting procedures necessary to allow the use of alternative polling places by voters who are elderly and disabled:

(a) The county auditor shall assemble election materials for voters who request to vote at an alternative polling place. The following materials shall be separated according to the precinct in which the voters are registered and placed into an envelope which clearly identifies that precinct:

(i) a poll book or precinct list which contains the names of only those voters from that precinct assigned to the alternative polling place;

(ii) a ballot for each voter from the precinct in which that voter is registered;

(iii) an envelope for voted ballots which is clearly marked "Ballots for Precinct . . . . . from Alternative Polling Place . . . . . for Elderly and Disabled Voters";

(iv) instructions for the precinct election officers.

(b) The procedures for voting and ballot tabulation for all ballots cast by a voter who is elderly or disabled at an alternative polling place shall be as follows:

(i) The voter shall be given a ballot from the precinct in which that voter is registered and contains all the issues and candidates for which that voter is legally qualified to vote. For lever machine precincts, the voter shall be provided with an appropriate paper ballot.

(ii) After the voter has cast his or her ballot, the ballot shall be placed in a separate ballot box or an envelope designated for ballots cast in an alternative polling place.

(iii) Following the close of the polls, ballots shall be transmitted in the designated envelopes to the county auditor's office. Within each county, all ballots cast at alternative polling places shall be canvassed and reported by legislative district separately from absentee or question ballots.

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

NEW SECTION

✓ WAC 434-57-120 ACCESSIBLE PERMANENT VOTER REGISTRATION FACILITIES. Each county auditor shall provide a reasonable number of accessible permanent voter registration facilities. Each county auditor shall report to the secretary of state, on a form provided by the secretary of state, a list and address of all permanent voter registration facilities. This list shall identify those facilities which meet the accessibility standards as provided in these rules. Each county auditor shall submit this list with the report of polling places. The secretary of state shall review such lists and determine if the number of accessible permanent voter registration facilities is adequate to meet the needs of persons who are elderly or disabled. If the secretary of state determines that the number of facilities is inadequate, he or she shall notify the county auditor and request additional facilities be provided.

NEW SECTION

✓ WAC 434-57-130 VOTING AND REGISTRATION INSTRUCTIONS. Each county auditor shall conspicuously display voting instructions, printed in at least 16-point bold type, at each polling place on the day of the election. Each county auditor shall also conspicuously display registration instructions, printed in at least 16-point bold type, at each permanent voter registration facility.

NEW SECTION

✓ WAC 434-57-150 NOTICE OF ACCESSIBILITY. Each county auditor shall include a list of polling places, indicating those polling places which are accessible according to the standards for voters who are elderly or disabled, in the notice of election published under RCW 29.27.030 and 29.27.080.

**WSR 86-08-046**  
ADOPTED RULES  
**DEPARTMENT OF LICENSING**  
(Board of Dental Examiners)  
[Order PL 583—Filed March 27, 1986]

Be it resolved by the Washington State Board of Dental Examiners, acting at Seattle, Washington, that it does adopt the annexed rules relating to examination content, amending WAC 308-40-102.

This action is taken pursuant to Notice No. WSR 86-04-089 filed with the code reviser on February 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Dental Examiners as authorized in RCW 18.32.040.

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

APPROVED AND ADOPTED March 21, 1986.

By John Gould  
President, W.S.B.D.E.

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

((ii)) (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.

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

**WSR 86-08-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-15—Filed March 27, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to personal use rules.

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

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

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

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

APPROVED AND ADOPTED March 27, 1986.

By William R. Wilkerson  
Director

NEW SECTION

*WAC 220-56-16000Z COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-56-160, effective 12:01 a.m. April 1, 1986 until 11:59 p.m. April 10, 1986, Bag Limit A in those waters of the Columbia River downstream from I-5 Bridge to the Megler-Astoria Bridge when fishing for foodfish for personal use from the banks of the Columbia River only. It is unlawful to fish for or possess salmon taken from a boat in the above described waters.*

**WSR 86-08-048****NOTICE OF PUBLIC MEETINGS****HEALTH CARE FACILITIES AUTHORITY**

[Memorandum—March 27, 1986]

**NOTICE OF PUBLIC HEARING FOR ISSUANCE OF WASHINGTON HEALTH CARE FACILITIES AUTHORITY REVENUE BONDS**

The Washington Health Care Facilities Authority will hold a public hearing on Friday, April 18, 1986, at 10:00 a.m. at the Vance Airport Inn, Olympic Room, Seattle, Washington, for the purpose of considering and possibly approving Resolution No. 86-2 of the Washington Health Care Facilities Authority, authorizing the issuance of approximately \$15,000,000 WASHINGTON HEALTH CARE FACILITIES AUTHORITY VARIABLE RATE DEMAND REVENUE BONDS, EQUIPMENT SERIES 1986, the proceeds of which will be loaned to (1) Lewis County Hospital, dba Morton, Hospital, Fifth and Adams, Post Office Drawer C, Morton, WA 98356; (2) Grays Harbor Community Hospital, 915 Anderson Drive, Aberdeen, WA 98520; (3) Deaconess Medical Center, 800 West Fifth Avenue, Spokane, WA 99204; (4) Lake Chelan Community Hospital, 503 East Highland Avenue, Chelan, WA 98816; (5) Highline Community Hospital, 1621 Sylvester Road Southwest, Seattle, WA 98166; (6) Children's Orthopedic Hospital and Medical Center, 4800 Sand Point Way Northeast, Seattle, WA 98105; and (7) St. Joseph Hospital and Health Care Center, 1718 South I Street, Tacoma, WA 98401 (the "hospitals"), for the purpose of acquisition and installation of major movable equipment and the costs of construction and renovation of projects useful in connection with the provision of health care services by or in the operations of the hospitals. The equipment and renovations will take place at the prospective locations of each of the hospitals.

**WSR 86-08-049****NOTICE OF PUBLIC MEETINGS****WHATCOM COMMUNITY COLLEGE**

[Memorandum—March 26, 1986]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special meeting at the following time and place: April 1, 1986, 3:00 p.m., Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

**WSR 86-08-050****NOTICE OF PUBLIC MEETINGS****COMMUNITY COLLEGE DISTRICT TWELVE**

[Memorandum—March 26, 1986]

There is a change in the location of the regular April meeting of the Community College District Twelve board of trustees.

The April 10 meeting has now been scheduled for the Centralia College campus instead of South Puget Sound Community College campus. The date and time remain the same.

**WSR 86-08-051****NOTICE OF PUBLIC MEETINGS****WESTERN WASHINGTON UNIVERSITY**

[Memorandum—March 14, 1986]

The April 3, 1986, meeting of the board of trustees of Western Washington University has been cancelled.

The board of trustees will hold a limited special meeting on March 26, 1986, at 8:30 a.m. at Lakewood, Bellingham, Washington.

**WSR 86-08-052****NOTICE OF PUBLIC MEETINGS****WESTERN WASHINGTON UNIVERSITY**

[Memorandum—March 28, 1986]

The May 1, 1986, board of trustees meeting will be held on the Western Washington University Campus, Old Main 340, at 2:30 p.m.

The board of trustees will hold a study session for the review of the proposed changes of the faculty handbook on May 1, 1986, at 12:00 noon on the Western Washington University Campus, Viking Annex Room 460.

**WSR 86-08-053****PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Filed March 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 community options program entry system (COPES), amending WAC 388-15-600 through 388-15-630.

It is the intention of the secretary to adopt these rules on an emergency basis on or about March 28, 1986;

that the agency will at 10:00 a.m., Tuesday, May 6, 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 May 14, 1986.

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

The specific statute these rules are intended to implement is RCW 74.08.390.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 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 April 22, 1986. The meeting site is in a location which is barrier free.

Dated: March 28, 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: Amending WAC 388-15-600, 388-15-610, 388-15-620 and 388-15-630.

Purpose of the Rule Change: To comply with Health and Human Services Final Rule published March 13, 1985, specifically CFR 441.302 and 441.303.

Reasons These Rules are Necessary: To ensure that no more recipients be served in nursing homes and in the COPES home and community-based program with the waiver than would otherwise be served in nursing homes without the waiver; to ensure that the number of clients served under the renewed waiver will not exceed the number of clients and expenditures approved by HHS; and to ensure that the COPES state match allotment is not overexpended.

Statutory Authority: RCW 74.08.090 and 74.08.390.

Summary of the Rule Change: WAC 388-15-600 is amended to clarify the purpose of the COPES program and to limit the number of unduplicated recipients to the number approved in the waiver; 388-15-610 is amended to include an eligible recipient's likelihood of institutionalization in the absence of home and community based services as a condition of eligibility; 388-15-620 is amended to delete writing as an allowed personal care task and clarify that adult day health and home health costs are included in plan of care cost computations; and 388-15-630 is amended to include the requirement that paid providers of personal care must meet or exceed minimum performance standards.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Mary Lou Pearson, Program

Manager, Bureau of Aging and Adult Services, Mailstop OB 43G, Olympia.

These rules are necessary as a result of federal law, 42 CFR 441.300 through 441.305.

#### AMENDATORY SECTION (Amending Order 1954, filed 3/30/83)

WAC 388-15-600 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPES)—PURPOSE—LEGAL BASIS. (1) The purpose of the community options program entry system (COPES) is to offer ~~((specifically waived))~~ the choice of either institutional or specific Medicaid waiver home and community-based services to persons limited in number as specified by the department who are identified ((by the department)) as ((needing)) eligible for nursing home care ((but who prefer to live at home or in community-based care)) and likely to require institutionalization in the absence of the waiver services.

(2) COPES is a Medicaid program authorized under subsection 1915(c) of the Social Security Act, as approved by the secretary, Department of Health and Human Services.

(3) RCW 74.08.043 and 74.08.045 authorize the department to purchase personal and special care. RCW 74.08.390 permits the department to conduct demonstration programs and waive specific statutory requirements.

#### AMENDATORY SECTION (Amending Order 2101, filed 5/30/84)

WAC 388-15-610 COPES—ELIGIBLE PERSONS. (1) Categorically related Medicaid recipients (i.e., aged, blind, and disabled persons) eighteen years of age and over are eligible for COPES services when they:

(a) Have gross monthly income which is less than three hundred percent of the federal Supplemental Security Income (SSI) benefit level excluding the state supplement (see WAC 388-95-320 (1)(a)); and

(b) Have resources at or below the Medicaid standard; and  
(c) Are assessed by the department as eligible for skilled nursing care(;) or intermediate nursing care ~~((or intermediate nursing care for the mentally retarded));~~ and

(d) Will likely require institutionalization in the absence of home and community-based waiver services; and

(e) Choose to live in their own homes or in congregate care facilities or in licensed adult family homes; and

~~((f))~~ (f) Have a plan of care for COPES services prepared by the department and the total cost for this plan of care, including the one-person medically needy income level, is less than ninety percent of the average state-wide nursing home rate.

(2) Participation in COPES is the choice of the otherwise eligible recipient.

#### AMENDATORY SECTION (Amending Order 2281, filed 9/4/85)

WAC 388-15-620 COPES—SERVICES. (1) The following services may be authorized to COPES eligible recipients, based on department assessment of need and feasible plan of care:

(a) Congregate care as defined in WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients when this service is required by the department and performed by a registered nurse under the general direction of a licensed physician or dentist. (Refer to RCW 18-88.285 and WAC 308-120-100 through 308-120-522.)

(b) Adult family care as defined in WAC 388-15-551 through 388-15-555.

(c) Adult day health.

(d) Home health services as defined in WAC 388-86-045.

(e) Personal care services are services provided to a person residing in his or her established residence including meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, and laundry ~~((and writing))~~ are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment. Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family.

(f) Case management.

(2) Additional personal care services may not be authorized to recipients residing in congregate care facilities or adult family homes.

(3) Adult day health and home health services are provided only when the recipient requires congregate care, adult family home services, or personal care. The actual cost for adult day health and home health services must be included in the total plan of care cost(s) computation.

(4) Applicants whose incomes exceed the cost for services are not eligible for COPEs.

AMENDATORY SECTION (Amending Order 2281, filed 9/4/85)

WAC 388-15-630 COPEs—PAYMENT—PROCEDURES. (1) All nonexempt income of a person receiving COPEs services shall be allocated according to procedures in WAC 388-83-200.

(2) The department shall pay to the providers of congregate care, home health services, adult day health care, and adult family home care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.

(3) The department shall pay for care of recipients living in the nonrelated provider's established residence at the adult family home rate when the provider's home is a licensed and contracted adult family home.

(4) The department shall pay for personal care services provided by a relative, except a spouse. Payment to a father, mother, son, or daughter shall be made only when:

(a) The relative will not provide the care unpaid, and

(b) The relative's income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.

(5) The department shall pay care providers meeting or exceeding minimum performance standards for personal care of a recipient residing in his or her established residence. The payment rate shall be at least the federal minimum hourly wage rate to individual and independent providers, but shall not (~~pay more than~~) exceed three dollars and ninety-seven cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-five cents per hour.

(6) The department shall pay to private and public agencies providing personal care the same hourly unit rate reimbursement established by the department for chore services personal care.

(7) Payments for COPEs services plus the recipient's income allocated for maintenance in the home shall not exceed ninety percent of the average state-wide monthly rate for nursing home care.

(8) Income allocated for maintenance needs in the home cannot exceed the medically needy income level.

**WSR 86-08-054**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**

[Order 2359—Filed March 28, 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 readopting WAC 440-44-050 radiation machine facility registration fees; and WAC 440-44-057 license fees for radioactive materials.

This action is taken pursuant to Notice No. WSR 86-04-025 filed with the code reviser on January 28, 1986. 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 43.20A-.055 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 28, 1986.

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

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 non-portable 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) For licenses issued to mineral processors for naturally occurring radioactive material in excess of exempt concentrations:

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

(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.

(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.

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

APPROVED AND ADOPTED March 28, 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 86-08-055**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1879—Filed March 28, 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.

This action is taken pursuant to Notice No. WSR 86-04-051 filed with the code reviser on February 3, 1986. 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 16.36.096 and is intended to administratively implement that statute.

**WSR 86-08-056**

**ADOPTED RULES**

**DEPARTMENT OF FISHERIES**

[Order 86-14—Filed March 28, 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 rules.

This action is taken pursuant to Notice No. WSR 86-05-002 filed with the code reviser on February 7, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
 APPROVED AND ADOPTED March 25, 1986.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

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

WAC 220-52-069 SCALLOP FISHERY. (1) It is lawful at any time to take or fish for scallops for commercial purposes in coastal waters with otter trawl or beam trawl or scallop dredge gear (~~(, except that)~~). Minimum and maximum size for trawl gear are concurrent with sizes used in coastal shrimp fishing, see WAC 220-52-054. Scallop dredge gear may not exceed fifteen feet in width nor have a ring size of less than three inches inside diameter except as authorized under a permit issued by the director.

(2) It is lawful at any time to take or fish for scallops for commercial purposes in Puget Sound waters with scallop dredge gear not exceeding fifteen feet in width or having a ring size of not less than three inches inside diameter. It is lawful to take and possess scallops taken incidental to bottomfish trawl fishing as authorized under chapter 220-48 WAC. The taking of scallops with trawl gear at times or of size other than those authorized under chapter 220-48 WAC, with scallop dredge gear of a size other than that provided for in this section, with dip bag net gear, or by diver is prohibited except as authorized under permit issued by the director.

(3) It is unlawful at any time to take or possess rock scallop unless a person has first obtained (~~(an aquaculture license and)~~) a rock scallop aquaculture permit issued by the department. The permit will specify location, time, and quantity of rock scallop that can be taken for brood stock or culture purposes.

~~((2) It is unlawful to take or fish for scallops for commercial purposes in any waters of the state of Washington or the Pacific Ocean with scallop dredges having a ring size less than three inches inside diameter.))~~

**WSR 86-08-057**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 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 Funerals—Resources, amending WAC 388-42-040;

that the agency will at 10:00 a.m., Tuesday, May 6, 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 May 14, 1986.

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

The specific statute these rules are intended to implement is RCW 74.08.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 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 April 22, 1986. The meeting site is in a location which is barrier free.

Dated: March 28, 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 388-42-040.

Purpose of the Rule Change: To exclude the income and resources of surviving minor children from consideration for the funeral expenses of their parent(s).

These rules are necessary to make the department's funeral policy consistent with the intent of RCW 74.08.120.

Statutory Authority: RCW 74.08.090.

Summary: The WAC is being modified so that the income and resources of a surviving minor child are not considered as available for the funeral expenses of their parents. Under current policy, the income and resources of the surviving minor child are counted.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Jay Emry, Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-4910.

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

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-040 RESOURCES. (1) The resources available for funeral expenses must be taken into consideration in determining eligibility and amount of payment.

(2) Resources available for funeral expenses may include, but are not limited to:

- (a) A death benefit from the United States Veterans' Administration;
- (b) Washington state workmen's compensation;
- (c) A death benefit from the Railroad Retirement Board;
- (d) Life or burial insurance proceeds;
- (e) Decedent's estate;

(f) Excess resources and income of a surviving spouse(~~or surviving minor children~~) or surviving parents of a minor child.

(i) Resources that would be exempt if the survivors were receiving general assistance shall be excluded.

(ii) Income sufficient to meet the survivors' monthly needs according to the department's need standards shall be excluded.

(iii) The status of resources and income shall be determined according to the department's rules for the general assistance-unemployable program.

(3) Third-party death benefits shall be considered available whether paid, directly payable to, or deposited with a funeral director or any other vendor providing mortuary, burial, or cremation services.

(4) Proceeds from a prepaid plan shall be used for the purposes intended.

(5) The department will be responsible for claiming and collecting the death benefit from the Railroad Retirement Board.

(6) The department may pay the cost of funeral expenses when the deceased leaves assets to a surviving spouse and/or to minor children. The department, when furnishing funeral assistance, shall have a lien against said assets. The lien shall be valid for six years from the date of filing with the county auditor and shall have preference to all other claims except prior secured creditors. If the assets remain exempt or if no probate is commenced, the lien shall automatically terminate without further action six years after filing.

(7) Ineligibility due to transferring property to qualify for assistance with funeral expenses shall be directed by chapter 388-28 WAC.

**WSR 86-08-058**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2358—Filed March 28, 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 community options program entry system (COPEs), amending WAC 388-15-600 through 388-15-630.

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 rules are necessary to comply with 42 CFR 441.302 and 303.

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 March 28, 1986.

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

**AMENDATORY SECTION** (Amending Order 1954, filed 3/30/83)

**WAC 388-15-600 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPEs)—PURPOSE—LEGAL BASIS.** (1) The purpose of the community options program entry system (COPEs) is to offer ~~((specifically waived))~~ the choice of either institutional or specific Medicaid waiver home and community-based services to persons limited in number as specified by the department who are identified ((by the department)) as ((needing)) eligible for nursing home care ((but who prefer to live at home or in community-based care)) and likely to require institutionalization in the absence of the waiver services.

(2) COPEs is a Medicaid program authorized under subsection 1915(c) of the Social Security Act, as approved by the secretary, Department of Health and Human Services.

(3) RCW 74.08.043 and 74.08.045 authorize the department to purchase personal and special care. RCW 74.08.390 permits the department to conduct demonstration programs and waive specific statutory requirements.

**AMENDATORY SECTION** (Amending Order 2101, filed 5/30/84)

**WAC 388-15-610 COPEs—ELIGIBLE PERSONS.** (1) Categorical related Medicaid recipients (i.e., aged, blind, and disabled persons) eighteen years of age and over are eligible for COPEs services when they:

(a) Have gross monthly income which is less than three hundred percent of the federal Supplemental Security Income (SSI) benefit level excluding the state supplement (see WAC 388-95-320 (1)(a)); and

(b) Have resources at or below the Medicaid standard; and

(c) Are assessed by the department as eligible for skilled nursing care(~~(r)~~) or intermediate nursing care ((or intermediate nursing care for the mentally retarded)); and

(d) Will likely require institutionalization in the absence of home and community-based waiver services; and

(e) Choose to live in their own homes or in congregate care facilities or in licensed adult family homes; and

~~((f))~~ (f) Have a plan of care for COPEs services prepared by the department and the total cost for this plan of care, including the one-person medically needy income level, is less than ninety percent of the average state-wide nursing home rate.

(2) Participation in COPEs is the choice of the otherwise eligible recipient.

**AMENDATORY SECTION** (Amending Order 2281, filed 9/4/85)

**WAC 388-15-620 COPEs—SERVICES.** (1) The following services may be authorized to COPEs eligible recipients, based on department assessment of need and feasible plan of care:

(a) Congregate care as defined in WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients when this service is required by the department and performed by a registered nurse under the general direction of a licensed physician or dentist. (Refer to RCW 18.88.285 and WAC 308-120-100 through 308-120-522.)

(b) Adult family care as defined in WAC 388-15-551 through 388-15-555.

(c) Adult day health.

(d) Home health services as defined in WAC 388-86-045.

(e) Personal care services are services provided to a person residing in his or her established residence including meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, and laundry (~~and writing~~) are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment. Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family.

(f) Case management.

(2) Additional personal care services may not be authorized to recipients residing in congregate care facilities or adult family homes.

(3) Adult day health and home health services are provided only when the recipient requires congregate care, adult family home services, or personal care. The actual cost for adult day health and home health services must be included in the total plan of care cost(s) computation.

(4) Applicants whose incomes exceed the cost for services are not eligible for COPES.

**AMENDATORY SECTION** (Amending Order 2281, filed 9/4/85)

WAC 388-15-630 COPES—PAYMENT—PROCEDURES. (1) All nonexempt income of a person receiving COPES services shall be allocated according to procedures in WAC 388-83-200.

(2) The department shall pay to the providers of congregate care, home health services, adult day health care, and adult family home care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.

(3) The department shall pay for care of recipients living in the nonrelated provider's established residence at the adult family home rate when the provider's home is a licensed and contracted adult family home.

(4) The department shall pay for personal care services provided by a relative, except a spouse. Payment to a father, mother, son, or daughter shall be made only when:

(a) The relative will not provide the care unpaid, and

(b) The relative's income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.

(5) The department shall pay care providers meeting or exceeding minimum performance standards for personal care of a recipient residing in his or her established residence. The payment rate shall be at least the federal minimum hourly wage rate to individual and independent providers, but shall not (~~pay more than~~) exceed three dollars and ninety-seven cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-five cents per hour.

(6) The department shall pay to private and public agencies providing personal care the same hourly unit rate reimbursement established by the department for chore services personal care.

(7) Payments for COPES services plus the recipient's income allocated for maintenance in the home shall not exceed ninety percent of the average state-wide monthly rate for nursing home care.

(8) Income allocated for maintenance needs in the home cannot exceed the medically needy income level.

**WSR 86-08-059**

**PROPOSED RULES**

**LOTTERY COMMISSION**

[Filed March 28, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 315-04-190	Compensation.
New	WAC 315-11-200	Definitions for Instant Game Number 20 ("Cash Code").
New	WAC 315-11-201	Criteria for Instant Game Number 20.
New	WAC 315-11-202	Ticket validation requirements for Instant Game Number 20;

that the agency will at 1:00 p.m., Friday, May 16, 1986, in the Red Lion Motor Inn, 2525 North 20th, Pasco, 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 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 16, 1986.

Dated: March 28, 1986

By: Duane Kovacevich  
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-04-190 Compensation; 315-11-200 Definitions for Instant Game Number 20 ("Cash Code"); 315-11-201 Criteria for Instant Game Number 20; and 315-11-202 Ticket validation requirements for Instant Game Number 20.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-04-190 authorizes additional compensation for lottery retailers without requiring a specific incentive program; 315-11-200 provides definitions of the terms used in Instant Game Number 20 rules; 315-11-201 sets forth criteria for Instant Game Number 20; and 315-11-202 states the ticket validation requirements for Instant Game Number 20.

Reasons Supporting the Proposed Rule(s): WAC 315-04-190, allows greater flexibility to establish programs which will increase overall sales of lottery products and produce additional revenue for the state; 315-11-200, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-201 and 315-11-202; 315-11-201, licensed agents and players of Instant Game Number 20 need to know how the game will function. Specifying the criteria which apply to Instant Game Number 20 will provide this information; and 315-11-202, tickets for Instant Game Number 20 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets.

Agency Personnel Responsible for Drafting: Frank Edmondson, Contracts Specialist 3, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Mary G. Faulk, Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330, Duane Kovacevich, Deputy Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334, Jerald F. Long, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1065, and Earl D. Sedlik, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

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

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

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

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director, Washington State Lottery or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-04-190 COMPENSATION. (1) Lottery retailers shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game.

(2) Lottery retailers authorized to sell on-line tickets shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

(3) Lottery retailers may receive additional compensation through ((incentive)) programs including but not limited to additional discounts, retailer awards, and retailer bonuses.

NEW SECTION

WAC 315-11-200 DEFINITIONS FOR INSTANT GAME NUMBER 20 ("CASH CODE"). (1) Play symbols: The following are the "play symbols": "9"; "8"; "7"; "6"; "5"; "4"; "3"; "2"; "1"; and "0." One of these symbols appears in each of the ten blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the upper center of the main (upper) portion of the front of the ticket. The number is covered by latex which is overprinted "DO NOT REMOVE."

(3) Pack-ticket number: The ten-digit number of the form 1000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 20 constitute the "pack number" which starts at 1000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 20, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
9	NINE
8	EHT
7	SEV
6	SIX
5	FIVE
4	FOUR
3	THR
2	TWO
1	ONE
0	ZERO

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 20, the agent verification code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TFF	\$20.00

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

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the right front of the stub (lower) portion of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

#### NEW SECTION

WAC 315-11-201 CRITERIA FOR INSTANT GAME NUMBER 20. (1) The price of each instant game ticket shall be \$1.00.

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

(a) The bearer of a ticket having a play symbol in the code key which matches a play symbol in any one of the nine prize keys all of which are beneath the removable covering on the front of the ticket shall win the prize corresponding to that prize key.

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 20 set forth in WAC 315-11-202, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life. Qualifying entries from Instant Game Number 20 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

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

(ii) Collect stubs with a total of ten "W" stub play symbols. The stubs may be from Instant Game Number 19, "Three Cards Up," and/or Instant Game Number 20, "Cash Code."

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

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

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," WASHINGTON LOTTERY, TACOMA, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

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

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

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

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package, including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 20, shall provide additional compensation for lottery retailers pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall provide additional compensation of \$2,100 to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The compensation shall be provided to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing.

(c) The lottery retailers will be selected as follows:

(i) The \$2,100 will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The prize awarded to the lottery retailer(s) will be paid as follows:

(i) The amount received will be credited to any overdue balance owed the lottery.

(ii) The balance, if any, will be paid to the lottery retailer(s).

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

(a) Vary the length of Instant Game Number 20; and/or

(b) Vary the number of tickets sold in Instant Game Number 20 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

#### NEW SECTION

WAC 315-11-202 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 20. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 20 all of the following validation requirements apply.

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

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

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

Play Symbols	10 point Archer font
Captions	7 x 12 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	7 x 12 Matrix font
Stub Play Symbols	9 x 12 Matrix font
Stub Number	5 x 11 Matrix font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-200(1) and each of the captions must be exactly one of those described in WAC 315-11-200(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-200(7) and the stub number as described in WAC 315-11-200(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

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

**WSR 86-08-060**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 300—Filed March 31, 1986]

Be it resolved by the State Game Commission, acting at Olympia, Washington, conference call, that it does adopt the annexed rules relating to amendment to 1986 Washington game fish seasons and catch limits—Columbia River, WAC 232-28-61509.

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 recent Washington Department of Fisheries and Oregon Department of Fish and Wildlife emergency regulations for the Columbia River from the Megler-Astoria Bridge to the I-5 Bridge allow steelhead bank fishing from April 1 through April 10. Since the original closures were for the conservation needs of spring chinook and associated enforcement problems, there is no steelhead resource problem per se. The change in Washington game fish regulations will match their regulations in these waters.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State

Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1986.

By Archie U. Mills  
Chairman, Game Commission

NEW SECTION

*WAC 232-28-61509 AMENDMENT TO 1986 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—COLUMBIA RIVER. Notwithstanding the provisions of WAC 232-28-615, the seasons and special regulations for the area described below of the Columbia River will be as follows.*

<i>From the Megler-Astoria Bridge to the I-5 Bridge, 41</i>	<i>Year around</i>	<i>Closed to the taking of steelhead over 20" Apr. 1-May 15. WILD STEELHEAD RELEASE July 1-Oct. 31, see page 6. EXCEPTION: Bank fishing only is allowed during the period April 1 through April 10.</i>
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*Seasons and special regulations for other areas of the Columbia River remain unchanged, and are as shown in the 1986 Washington Game Fish Seasons and Catch Limits on page 9.*

**WSR 86-08-061**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 301—Filed March 31, 1986]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to 1986 Washington game fish seasons and catch limits—Humtulpis River, WAC 232-28-61510.

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 an in-season assessment of run size data indicates that wild winter-run steelhead are returning at a level below preseason expectations. Fishing time needs to be curtailed by an emergency closure in order to ensure that spawning escapement requirements are achieved. This change would close the season on April 4 instead of April 15.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State



Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 31, 1986.

By Jack S. Wayland  
Director

### NEW SECTION

**WAC 232-28-61510 AMENDMENT TO 1986 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—HUMPTULIPS RIVER.** *Notwithstanding the provisions of WAC 232-28-615, the seasons and special regulations for the Humptulips River will be as follows:*

**HUMPTULIPS RIVER, 84**  
(mainstem)

From mouth to Forks      Jan. 1-Apr. 4      TROUT - min. lgth. 12".  
and  
May 31-Dec. 31

East Forks, 85 From      Jan. 1-Apr. 4      TROUT - min. lgth. 12".  
mouth to concrete      and  
bridge on Forest      May 31-Dec. 31  
Service road between  
Humptulips Guard Station  
and Grisdale.

West Fork, 86 From      Jan. 1-Apr. 4      TROUT - min. lgth. 12".  
mouth to west fork      and  
bridge, a distance      May 31-Dec. 31  
of about five miles.

### **WSR 86-08-062**

#### **NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER**

[Memorandum—March 28, 1986]

#### **REGULAR MEETING SCHEDULE WASHINGTON STATE CONVENTION AND TRADE CENTER BOARD OF DIRECTORS**

April 17, 1986  
May 15, 1986  
June 19, 1986  
July 17, 1986  
September 18, 1986  
October 16, 1986  
November 20, 1986  
December 18, 1986  
January 15, 1987  
February 19, 1987  
March 19, 1987  
April 16, 1987  
May 21, 1987  
June 18, 1987  
July 16, 1987  
September 17, 1987  
October 15, 1987  
November 19, 1987  
December 17, 1987

REGULAR MEETING TIME WILL BE 3 P.M.  
LOCATION WILL BE WSCTC BOARD ROOM  
720 OLIVE WAY, SUITE 1520, SEATTLE

FOR ADDITIONAL INFORMATION  
CALL PEGGY FLYNN, 464-5305

### **WSR 86-08-063**

#### **PROPOSED RULES**

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT**

(Fire Marshal)

[Filed March 31, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development, State Fire Marshal, intends to adopt, amend, or repeal rules concerning nursing homes, amending WAC 212-32-005, 212-32-015, 212-32-035, 212-32-040, 212-32-045, 212-32-050, 212-32-070, 212-32-075, 212-32-080, 212-32-085, 212-32-095 and 212-32-100; and adopting new sections WAC 212-32-110, 212-32-115, 212-32-120, 212-32-125, 212-32-130, 212-32-135, 212-32-140, 212-32-145, 212-32-150, 212-32-155 and 212-32-160;

that the agency will at 10:00 a.m., Tuesday, May 6, 1986, in the Large Conference Room, Main Floor, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 18.51 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 1986.

Dated: March 31, 1986

By: Richard J. Thompson  
Director

#### **STATEMENT OF PURPOSE**

Rules of the State Fire Marshal governing fire life safety in nursing homes licensed by the state of Washington pursuant to RCW 18.51.140.

This rule establishes minimum standards for fire life safety for patients occupying nursing homes licensed by the Department of Social and Health Services. It prescribes requirements for abating the conditions which present a threat to human life, by ensuring that patients, staff and visitors are properly forewarned of the presence of fire, and that they are able to leave the building by way of a tenable means of egress.

Procedures for enforcing these rules shall be in accordance with the licensing laws and rules of the licensing agency.

This rule is necessary to ensure that a uniform program of inspection and hazard abatement may take place in nursing homes licensed by the Department of Social and Health Services.

Implementing this rule will expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

The agency personnel responsible for the drafting, implementation and enforcement of this rule is Mr. Ted Curcio, Supervisor, Health Care Facilities Fire Protection, Office of State Fire Marshal, 1112 South Quince Street, Mailstop ET-32, Olympia, WA 98504, phone (206) 753-3658.

The Office of State Fire Marshal is proposing this rule.

This rule is not made necessary by either a change in federal law or state court action.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-005 DEFINITIONS. The following definitions shall apply to this regulation:

(1) "~~Nursing home," means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves, or as further defined or limited by RCW 18.51.010.~~

(2) "~~Ambulatory," physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.~~

(3) "~~Mobile nonambulatory," capable of taking appropriate action for self-preservation under emergency conditions but not necessarily able to walk or traverse stairs.~~

(4) "~~Nonambulatory," unable, because of physical and/or mental condition or restraint, to take appropriate action for self-preservation under emergency conditions.~~

(5) "~~Licensing agency," the Washington state department of social and health services.~~

(6) "~~Building official," the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.~~

(7) "~~Fire official," the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.~~

(8) "~~Fire chief," the chief of the fire department providing fire protection services to the nursing home.~~

(9) "~~State Building Code Act," chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes and mandates enforcement by each city, town and county.) "Ambulatory" means physically and mentally capable of walking a normal path to safety unaided, including the ascent and descent of stairs.~~

(2) "Approved" means approved by the state fire marshal.

(3) "Authority having jurisdiction" is the state fire marshal.

(4) "Building, existing," is a building licensed at the time of the adoption of these regulations.

(5) "Building official" means the person or other designated authority appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW, and energy-related building standards, chapter 19.27A RCW.

(6) "Central station" means a fire alarm receiving service listed by the Underwriters Laboratories or recognized by the state fire marshal to report alarms to the local fire department.

(7) "Fire official" means the person or other designated authority appointed by the city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW, and energy-related building standards, chapter 19.27A RCW.

(8) "Licensing agency" means the Washington state department of social and health services.

(9) "Mobile nonambulatory" means capable of taking appropriate action for self-preservation under emergency conditions but not necessarily able to walk or traverse stairs.

(10) "Nonambulatory" means unable, because of physical and/or mental condition or restraint, to take appropriate action for self-preservation under emergency conditions.

(11) "NFPA" means National Fire Protection Association.

(12) "Nursing home" means any home, place, or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to care for themselves, or as further defined or limited by RCW 18.51.010.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-015 COMPLIANCE. All facilities licensed as nursing homes shall comply with the provisions of this regulation or

show substantial progress by July 1, 1987. ((Exception: Facilities certified as meeting the fire and life safety requirements for skilled nursing facilities pursuant to Titles 18 and 19 of the Social Security Act 42 U.S.C., shall be accepted as meeting the fire and life safety standards of this regulation.)) Approvals are issued or denied on the basis of the applicant's compliance with the state fire marshal's fire and life safety standards.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-035 LOCAL ((REQUIREMENTS)) CODES. ((All nursing homes shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code, as administered by the local building official and fire official.)) The enforcement of local fire and building codes is the responsibility of the respective fire and building officials.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-040 STANDARDS. The following standards shall be applicable to all nursing homes ((built or licensed after the effective date of this regulation. Nursing homes licensed prior to the effective date of this regulation shall be subject to the construction requirements in effect at this time of licensing, provided continued use does not compromise patient safety, and the use and maintenance standards of this regulation)).

AMENDATORY SECTION (Amending Order FM 82-5, filed 6/8/82)

WAC 212-32-045 CONSTRUCTION REQUIREMENTS. New construction or major remodeling shall comply with the Group I, Division 1 requirements of the ((1976)) 1982 Uniform Building Code, ((or to Group I, Division 2, if occupancy is limited to ambulatory patients. Exception: Nursing homes housing not more than fifteen ambulatory or mobile nonambulatory developmentally disabled persons shall conform to the Lodging and Rooming House Section of the 1976 Life Safety Code, National Fire Protection Association Publication #101, and the "R" (residential) Occupancy Section of the 1976 Uniform Building Code. If any of the residents are other than ambulatory, the building shall also be equipped with an automatic sprinkler system throughout. If occupancy is limited to ambulatory persons, direct means of egress to the outside, such as doors or emergency escape windows, shall be provided from each sleeping room, and an automatic fire detection system, including smoke detectors in each sleeping room and all public areas, may be substituted in lieu of sprinkler protection)) as contained in chapter 19.27 RCW. Work shall not commence until all required state approvals are obtained. The provisions of NFPA Standards 241, 51-B including appendices and State Fire Marshal Information Sheet A-1 shall be implemented as necessary for safeguard of occupants during construction and demolition operations.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-050 MODERNIZATION OR RENOVATION. No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level or new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for new construction.

Work shall not commence until all required state approvals are obtained. The provisions of NFPA Standards 241, 51-B, including appendices and State Fire Marshal Information Sheet A-1, shall be implemented as necessary for safeguard of occupants during construction and demolition operations.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-070 COMPARTMENTATION. In new and existing buildings, every story ((used by inpatients for sleeping or treatment or any story having an occupant load of fifty or more persons, shall be divided into at least two compartments by smoke partitions having a fire-resistance of at least one hour)) accommodating more than five nonambulatory persons, unless provided with a horizontal exit, shall be

divided into not less than two compartments accommodating approximately the same number of nonambulatory persons in each compartment by a smoke-stop partition meeting the requirements of a one-hour occupancy separation so as to provide an area of refuge within the building. No one compartment shall contain more than twenty-two thousand five hundred square feet or be over one hundred fifty feet in length or width. ~~((EXCEPTION: Protection may be accomplished in conjunction with the provision of horizontal exits.))~~ Smoke barrier doors shall be maintained automatic or self-closing and positive latching. EXCEPTION: Smoke partition walls in existing buildings may have smoke partition walls of one-half hour fire resistance rating and modified to meet structural conditions as approved by the authority having jurisdiction. Positive latching hardware where presently not installed will not be required on existing fire barrier doors.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-075 SMOKE DETECTION. In new and existing buildings, an approved, automatic smoke detection system shall be installed in all corridors and stairways. Detectors shall not be spaced further than thirty feet apart ((or)) nor more than fifteen feet from any wall((;)) and shall be electrically interconnected with the fire alarm system. EXCEPTION: In existing buildings where each patient sleeping room is protected by such an approved detection system and a local detector is provided at the smoke partition and horizontal exits, such corridor systems will not be required on the patient sleeping room floors.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-080 FIRE ALARM. Every ((nursing home)) new and existing building shall have an approved electrically supervised manual fire alarm system. Operation of any fire alarm ((activating)) initiating device shall automatically, without delay, ((accomplish general alarm indication and sound an audible alarm in the affected fire zone. Coded systems shall be permitted)) activate an audible and visual general alarm throughout the building. The fire alarm system shall ((be arranged to)) automatically transmit ((an alarm automatically to the fire department legally committed to serve the area in which the nursing home is located.)) off the premises by the most direct and reliable method((;)) approved by the ((fire chief)) state fire marshal. These include, but are not limited to, a direct connection to the municipal fire alarm system or to an approved central station. All alarm and detection system wiring shall be in metallic conduit or raceway. Annunciators shall be provided where the system serves more than one floor, one fire or smoke division, or one building. They shall be located at each nurses' station, and as may be specified elsewhere.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-085 SPRINKLER PROTECTION. Complete, approved automatic fire extinguishing sprinkler protection shall be provided throughout all ((nursing homes)) new and existing buildings. ((The main sprinkler control valve(s) shall be electrically supervised and the system electrically interconnected with the fire alarm system.)) All valves controlling the water supply to the sprinkler systems, including any sectional valves, shall be equipped with electrically supervised tamper switches which as a minimum shall provide an audible and visual alarm at a constantly attended location in the facility. The fire department connection shall be located as directed by the fire chief. Hood and duct exhaust systems for commercial type cooking ranges shall be provided with automatic sprinkler protection. Installations shall be in accordance with State Fire Marshal Information Sheet A-13.

EXCEPTION: Sectional valve electrical supervision is not required for existing buildings.

EXCEPTION: The fire safety evaluation system may be accepted as an equivalency for automatic sprinklers in existing buildings only under the following conditions:

(1) A minimum passing score must be achieved as determined by the state fire marshal.

(2) The minimum level of public fire protection available (fire department and water supply) must be acceptable to the state fire marshal.

(3) The shift with the least number of on duty staff shall be used in the calculations.

(4) If the conditions for granting the exception are not constantly maintained as evidenced by inspections, the exception is revoked and the installation of sprinklers will be required to be installed within a time frame established by the state fire marshal.

(5) An appeal of the state fire marshal determination must meet the test of being arbitrary and capricious.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-095 FIRE DRILLS. At least twelve planned fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. A detailed written record of all fire drills shall be maintained and available for inspection at all times. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency ((fire)) conditions((, except that the movement of infirm or bed-ridden patients to safe areas is not required)). The local fire department shall be notified prior to the activation of the fire alarm system for drill purposes and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-100 EQUIPMENT MAINTENANCE. Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other items or equipment required by this regulation or the applicable building and/or fire codes shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturers' recommendations and/or ((at sufficient intervals to assure reliability)) as required by appropriate NFPA standards. Records of all tests and inspections shall be maintained for review. ((Tests and inspections shall be under the supervision of a responsible person.)) There shall be at a minimum an annual inspection, testing, and certification of fire protection systems by firms licensed to do business in the state of Washington who specialize in such systems. The certifications shall be on state fire marshal forms and submitted to the state fire marshal prior to the annual licensing date.

NEW SECTION

WAC 212-32-110 EMERGENCY LIGHTING AND POWER. Approved emergency lighting for means of egress shall be provided for every facility. This may be an engine driven generator or rechargeable batteries and shall comply with the following provisions:

(1) Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is not provided by a prime mover-operated electric generator, a delay of not more than ten seconds shall be permitted.

(2) Electric battery-operated emergency lights shall use only reliable types of storage batteries, provided with suitable facilities for maintenance in properly charged conditions.

(3) Emergency lighting facilities shall be arranged to maintain illumination to values of not less than one foot-candle power measured at the floor for a period of one and one-half hours in the event of failure of normal lighting.

(4) An emergency lighting system shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as any failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities.

(5) An on-site fuel supply sufficient to operate generator internal-combustion engines at full load for a minimum of two hours is required.

(6) Emergency systems shall comply with Article 700 of the National Electrical Code, National Fire Protection Association Standard 70.

(7) A generator shall not be solely dependent upon a public utility gas system for their fuel supply or a municipal water supply for their

cooling systems. Means shall be provided for automatically transferring from one fuel to another where dual fuel supplies are used.

(8) Emergency generators shall be inspected, tested and certified annually by a state licensed electrician. Certification shall be on state fire marshal forms and submitted to the state fire marshal prior to the annual licensing date.

#### NEW SECTION

WAC 212-32-115 CARPETING. The flame spread rating of all carpeting installed after the adoption of these regulations shall have a floor radiant panel test rating of a flux of not less than 0.45 watts per square centimeter nor exceed a smoke density of 450.

#### NEW SECTION

WAC 212-32-120 SMOKE CONTROL. In new and existing buildings, forced air heating, air conditioning, and ventilation systems shall be interlocked with the fire alarm system to automatically shut down upon activation of the fire alarm system.

EXCEPTION: Not required if the building is equipped with an engineered smoke control system in accordance with NFPA Standard 90A.

EXCEPTION: Smoke control for existing buildings shall be determined on an individual basis by the state fire marshal after review of the structural, mechanical, and economic factors involved.

#### NEW SECTION

WAC 212-32-125 CORRIDOR WALLS. Walls of corridors having an occupant load of ten or more shall be of not less than one hour fire resistive construction and ceilings shall be not less than that required for a one hour fire resistive floor or roof system. Corridor door openings shall be protected by a tight fitting smoke and draft-control assembly having an approved fire protection rating of not less than twenty minutes. The door and frame shall bear an approved label showing the rating thereof, the name of the manufacturer and the identification of the service conducting the inspection of materials and workmanship at the factory during fabrication and assembly. Doors shall be positive latching, and maintained self-closing or shall be automatic closing by actuation of the building fire alarm system. Smoke and draft control door assemblies shall be provided with an approved gasketing.

EXCEPTION: Corridor doors in existing buildings are not required to have gaskets or labeling.

EXCEPTION: In existing buildings that are fully sprinklered throughout, the addition of door closing devices will not be required. Where such devices are currently in use, they shall remain in serviceable condition and shall not be disconnected or removed.

#### NEW SECTION

WAC 212-32-130 FIRE PROTECTION STANDARDS. The fire protection standards applicable to the installation and maintenance of fire protection equipment, systems, and control of hazardous materials shall be those standards of the National Fire Protection Association, the Uniform Building Code Standards, the Uniform Fire Code Standards, and chapter 212-14 WAC, Fire protection systems and equipment, in effect at the time of the adoption of these regulations.

#### NEW SECTION

WAC 212-32-135 PORTABLE FIRE EXTINGUISHERS. The type, size, and location of portable fire extinguishers shall be installed in accordance with NFPA Standard 10, and as approved by the state fire marshal. Fire extinguishers shall receive annual maintenance certification by a firm specializing in such work and licensed to do business in the state of Washington.

Maintenance means a thorough check of the extinguisher to include examination of (1) mechanical parts, (2) extinguishing agent, and (3) expelling means. It is intended to give maximum assurance that an extinguisher will operate effectively and safely.

#### NEW SECTION

WAC 212-32-140 FIRE PROTECTION AND FIRE PREVENTION OPERATING FEATURES. Operating features shall be maintained in accordance with sections 31-1 and 31-4 of NFPA

Standard 101, the 1985 Life Safety Code and the Uniform Fire Code as contained in chapter 19.27 RCW.

#### NEW SECTION

WAC 212-32-145 FIRE AND INCIDENT REPORTING. All fires shall be reported to the state fire marshal by phone as soon as possible, but within one hour of occurrence. This is to be followed by a written report within forty-eight hours.

Incidents which may in any way affect the fire life safety of the facility shall also be reported in a similar manner. This can be, but not limited to, leaking roofs, which can interfere with the electrical and fire alarm systems, loss of local and/or off-premises transmission of the fire alarm system and disruption or impairment of the automatic sprinkler system.

#### NEW SECTION

WAC 212-32-150 EXIT SIGN ILLUMINATION. All required exit doorways and other places necessary to clearly indicate the direction of egress shall be provided with approved internally illuminated exit signs. Such signs shall otherwise comply with the provisions of the Uniform Building Code, Chapter 33.

#### NEW SECTION

WAC 212-32-155 EXTENSION CORDS. Electrical extension cords shall not be used as a substitute for permanent wiring, nor used as a means of extending the cords of appliances or fixtures. Where additional electrical capability is needed, wiring and circuit capacity shall be in accordance with Article 518-3 of the 1984 National Electrical Code as provided for health care facilities in the state electrical regulations.

#### NEW SECTION

WAC 212-32-160 PORTABLE HEATERS. The use of portable space heaters of any kind are prohibited within nursing homes.

### **WSR 86-08-064**

#### **PROPOSED RULES**

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT (Fire Marshal)**

[Filed March 31, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development, Fire Marshal, intends to adopt, amend, or repeal rules concerning the amending of WAC 212-52-001, 212-52-005, 212-52-012, 212-52-020, 212-52-025, 212-52-027, 212-52-030, 212-52-037, 212-52-045, 212-52-050, 212-52-055, 212-52-060, 212-52-070, 212-52-075, 212-52-080, 212-52-085, 212-52-090, 212-52-095, 212-52-100, 212-52-105, 212-52-115 and 212-52-120; adopting new sections WAC 212-52-002, 212-52-016, 212-52-018, 212-52-028, 212-52-041, 212-52-112, 212-52-99001 and 212-52-99002; and repealing WAC 212-52-040 and 212-52-065;

that the agency will at 10:00 a.m., Wednesday, May 7, 1986, in the Large Conference Room, Main Floor, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 70.62 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 7, 1986.

Dated: March 31, 1986  
By: Richard J. Thompson  
Director

### STATEMENT OF PURPOSE

Title and Description of Rule's Purpose: Chapter 212-52 WAC, Transient accommodations, standards for fire protection, prescribes minimum fire/life safety standards for transient accommodations, as necessary, to obtain State Fire Marshal approval for issuance of a state license.

Statutory Authority: RCW 70.62.290.

Summary of Rule and Statement Supporting Proposed Action: Identifies the minimum standards for fire/life safety in buildings licensed, or seeking licensure as a transient accommodation. These rules are being revised in order to stay consistent with adoption of 1982 uniform codes referenced in the State Building Code Act, chapter 19.27 RCW.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: George Williams, Supervisor, Residential Inspection Division, Office of State Fire Marshal, 9th and Columbia Building, GH-51, Olympia, WA 98504, (206) 753-3605.

Name of Organization Proposing the Rule: Washington State Fire Marshal's Office, an agency of state government.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: No comments.

Rule Necessary as the Result of Federal Law or Federal or State Court Action: These rules are not based on a federal law, or federal or state court action. Implementing these rules will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

Small Business Economic Impact Statement: Not applicable.

#### AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-001 ~~((PURPOSE)) TITLE. ((This regulation, promulgated pursuant to the authority contained in RCW 70.62.290, establishes the minimum fire and life safety standards necessary for obtaining state fire marshal approval for buildings or portions thereof, which are licensed or applying for licensure as transient accommodations.))~~ The regulations contained in this chapter shall be known as transient accommodations, standards for fire protection, and may be cited as such, and will be referred to herein as "these regulations."

#### NEW SECTION

WAC 212-52-002 PURPOSE. These regulations, promulgated pursuant to the authority contained in RCW 70.62.290, establish the minimum standard fire and life safety requirements necessary for obtaining state fire marshal approval for buildings or portions thereof, either licensed or applying for a license as transient accommodations.

#### AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-005 DEFINITIONS. The following definitions shall apply when used in ~~((this))~~ these regulations:

(1) "Approved" as to fire protection systems, assemblies, and devices shall mean approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principals or tests by national authorities, technical or scientific organizations.

(2) "Audible" shall mean loud enough to be heard. (Webster's New World Dictionary.)

(3) "Automatic-closing" refers to a fire assembly which may remain in an open position, and which will close and latch automatically if subjected to an increase in temperature or actuation of smoke detector. ~~((Fusible links are not permitted on exit doors.))~~

(4) "Automatic fire alarm system" is a system which automatically detects a fire condition and actuates a fire alarm signal device.

(5) "Central station office" shall mean an office to which remote alarm and supervisory signalling devices are connected, where personnel are in attendance at all times to supervise the circuits and investigate signals.

~~((5))~~ (6) "Department" shall mean the Washington state department of social and health services.

(7) "Exit" is a continuous and unobstructed means of egress to a public way, and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit courts and yards.

~~((6))~~ (8) "Fire assembly" refers to the assembly of a fire door, fire windows or fire dampers, including all required hardware, anchorage, frames and sills.

~~((7))~~ (9) "Fire-resistive construction" shall mean the type of construction which meets recognized standard fire test conditions, measured in accordance with a common standard, normally expressed in hours or increments thereof, applicable to a variety of materials, situations and conditions of exposure.

~~((8))~~ (10) "Interior finish" shall mean interior wainscoting, paneling, or other finish applied structurally or for decoration, acoustical correction, surface insulation, or similar purposes. Interior finish materials are classified numerically, based on their exposure to and reactions in specified fire tests. The numerical classes are referred to as "flame-spread classifications."

~~((9))~~ (11) "Licensee" is the person, firm or corporation to whom the transient accommodation license is issued.

~~((10))~~ "Licensing agency" shall mean the Washington state department of social and health services.

~~((11))~~ (12) "Lobby" shall mean an anteroom, a large vestibule, or the main floor circulation center of a hotel.

~~((12))~~ (13) "Lodging house" means any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

(14) "Occupant load" is the total number of persons that may occupy a building or portion thereof at any one time.

(15) "Person" is a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

(16) "Self-closing" refers to a fire assembly which is kept in a normally closed position, and is equipped with an approved device to ensure closing and latching after having been opened for use.

~~((13))~~ (17) "State Building Code Act" refers to chapter 19.27 RCW, effective January 1, 1975, which establishes statewide building and fire prevention codes, and mandates enforcement by each city, town and county.

~~((14))~~ (18) "Transient accommodation, as defined in chapter 70.62 RCW," shall mean any facility such as a hotel, motel, resort, condominium, or any other facility or place offering three or more lodging units to travelers and transient guests.

NOTE: WAC 248-144-020 supplements above definition by indicating that the three or more lodging units are offered "for periods of less than one month."

#### AMENDATORY SECTION (Amending Order FM 82-2, filed 5/11/82)

WAC 212-52-012 APPLICATION AND SCOPE. ~~((All buildings or portions thereof licensed as transient accommodations shall comply with the fire and life safety standards as specified in this regulation.~~

EXCEPTIONS: (1) Transient accommodations designed and constructed after the effective date of this regulation shall, in addition to meeting the requirements of the current Uniform Building Code adopted for state-wide use by the State Building Code Act, comply with the

following sections of this regulation: WAC 212-52-050 or the exceptions thereto, WAC 212-52-075, 212-52-105, 212-52-110, 212-52-115 and 212-52-120.

(2) ~~Transient accommodations inspected and approved as meeting the fire and life safety requirements of chapter 212-52 WAC, adopted pursuant to Administrative Order FM-77-3, filed December 8, 1977, shall be deemed in compliance with this regulation. PROVIDED, That,~~

(a) ~~The fire and life safety standards of the specified regulation have been maintained; and~~

(b) ~~The continued use of the building as a transient accommodation is not dangerous to life.~~

(3) ~~Transient accommodations located within a municipality which have been exempted from compliance with this regulation, based on a written agreement between the municipality and the state fire marshal's office.) The provisions of these regulations shall apply to existing conditions as well as to conditions arising after the adoption thereof, except that conditions legally in existence at the adoption of these regulations and not in strict compliance therewith shall be permitted to continue only if, in the opinion of the state fire marshal, they do not constitute a distinct hazard to life or property.~~

#### NEW SECTION

WAC 212-52-016 OCCUPANCY CLASSIFICATION. (1) Buildings having six or more guest rooms shall be classified as Group R, Division 1; Hotel/Motel as defined in the Uniform Building Code, 1982 edition.

(2) Buildings having not more than five guest rooms shall be classified as Group R, Division 3; Lodging House as defined in these regulations.

#### NEW SECTION

WAC 212-52-018 CONSTRUCTION REQUIREMENTS. (1) New construction or major remodeling of buildings having six or more guest rooms shall meet the Group R, Division 1 construction requirements of the Uniform Building Code, 1982 edition and the requirements contained in these regulations.

(2) New construction or major remodeling of buildings having not more than five guest rooms shall meet Group R, Division 3 construction requirements of the Uniform Building Code, 1982 edition and comply with the following sections or subsections of these regulations.

WAC 212-52-075; NOTE: Reasonable exceptions to the requirements for distribution of devices is permitted, subject to the size of the building and arrangement of the exit system. WAC 212-52-080 (1) and (4); 212-52-100(1); 212-52-105; 212-52-110; 212-52-112 (2), (3), (4), (5), (7), and (8); 212-52-115 (1), (2), (3), and (4); 212-52-120.

(3) Mobile homes shall not be used for transient accommodations unless they meet the construction requirements set forth by the United States Department of Housing and Urban Development (HUD).

(4) Factory built structures shall not be used for transient accommodations unless they meet the construction requirements enforced by the Washington state department of labor and industries.

#### AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-020 EXEMPTION FROM COMPLIANCE WITH ~~((FHS)) THESE REGULATIONS—APPLICATION, PROCEDURE, REVIEW.~~ (1) Upon receipt of written application for exemption, municipalities ~~((having)) enforcing~~ comprehensive regulatory programs covering transient accommodations which provide fire and life safety ~~((standards)) compliance~~ equal to or more restrictive than the standards established by ~~((this)) these regulations~~, may be exempted from compliance with ~~((this)) these regulations~~.

(2) The state fire marshal shall provide the exempted municipality with a list of transient accommodations within their jurisdiction. The exempted municipality shall certify those ~~((facilities)) buildings~~ approved for licensing as transient accommodations based on compliance with local fire and life safety requirements or written agreements necessary to bring the ~~((facility up to)) building into compliance with the requirements~~.

(3) The state fire marshal shall ~~((review)) audit~~ the exemption program within exempted municipalities at two year intervals.

#### AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-025 INSPECTIONS. (1) Upon receipt of an application for a license, ~~((or at least ninety days prior to the expiration date of a current license;)) the ((licensing agency shall)) department~~ will submit a written request for inspection to the state fire marshal.

(2) The inspection request shall be evaluated to determine whether the ~~((facility)) building~~ is subject to inspection by the state fire marshal. If an inspection by the state fire marshal is required, the ~~((facility)) building~~ shall be inspected for compliance with ~~((this)) these regulations~~. ~~((Exception:))~~ Where the transient accommodation is located within an exempted municipality, the request for inspection shall be forwarded to the fire marshal of the exempted municipality for action.

#### AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-027 APPROVAL. Upon completion of the inspection, and the ~~((facility)) building~~ is found to be in substantial compliance with ~~((this)) these regulations~~, a notice of conditional approval shall be forwarded to the ~~((licensing agency)) department~~. ~~((After))~~ When subsequent reinspections indicate full compliance with ~~((this)) these regulations~~, a notice of ~~((full)) approval~~ shall be forwarded to the ~~((licensing agency)) department~~.

#### NEW SECTION

WAC 212-52-028 DENIAL OF FIRE MARSHAL APPROVAL. The state fire marshal may deny approval of buildings which are structurally unsafe or not provided with adequate egress or fire warning systems; or by reason of fire hazard, dilapidation, inadequate maintenance, or conditions representing a clear and present danger to persons subject to occupy the building.

#### AMENDATORY SECTION (Amending Order FM 77-3, filed 12/8/77)

WAC 212-52-030 RIGHT OF APPEAL. ~~((Within five days after receipt thereof, any person aggrieved by the violations noted during an inspection, may appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force.))~~ An owner or occupant aggrieved by any such order made by a deputy state fire marshal may within five days after the date of the order appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force and be complied with by the owner or occupant.

#### AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-037 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of ~~((this)) these regulations~~ upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of ~~((this)) these regulations~~. The particulars of such modification may be granted or allowed ~~((-PROVIDED, That))~~ if, in the opinion of the state fire marshal, the modification does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

#### NEW SECTION

WAC 212-52-041 REPORTING FIRE INCIDENTS. Every fire incident occurring in a licensed transient accommodation shall, in addition to being reported to the local fire department, be reported to the state fire marshal office. Details regarding the fire incident shall be entered on fire incident report, an example of which is shown in Figure 1 (WAC 212-52-99001). The fire incident report shall be prepared by the licensee or his designee, and submitted to the state fire marshal office not later than seventy-two hours after occurrence of the incident. For the purpose of this rule, a fire shall mean any fire not used for cooking, heating, or recreational purposes or one not incidental to the normal operation of the property.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-045 HAZARDOUS AREAS. Every room containing a boiler or central heating plant, laundry, parking garage, storage room, commercial kitchen, mechanical room, electrical utility room, maintenance shop, and other spaces within the building ((which)) deemed by the state fire marshal to present ((an unusual or extreme)) a hazard to the safety of the guests shall be separated from the guest areas and the ((means of egress)) exits by at least one hour fire-resistive construction. Communicating openings shall be protected by approved self-closing fire doors.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-050 ((INTERIOR STAIRWAYS)) EXIT ENCLOSURES. (1) Every interior stairway shall be enclosed ((with walls of not less than one hour fire-resistive construction. Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one hour fire-resistive construction. Doors to such enclosures shall be protected by a self-closing door equivalent to a solid wood door not less than 1 3/4 inches thick. Enclosures shall be required for landings between flights and any corridors, passageways or public rooms (lobby) necessary for continuous exit to the exterior of the building. The stairway need not be enclosed in a continuous shaft, if cut off at each story by the fire-resistive construction required for stairwell enclosures)) as specified in this section.

EXCEPTIONS: ((+)) Stairway enclosure ((s-shaft)) will not be required ((in buildings three or less stories in height if automatic sprinkler protection is provided in the following locations:

(a) Room-side of each guest room door opening onto the corridor.  
(b) Corridors, stairways, passageways, and ways leading to outside exits:

(c) Hazardous areas encroaching upon the means of egress or otherwise posing a threat to guest safety.

(2) Stairway enclosures shall not be required where the stairway serves only one adjacent floor: PROVIDED, That,

(a) Corridors, stairways, exit passageways, and ways leading to outside exits are equipped with an automatic smoke detection system electrically interconnected to an approved fire alarm system; and

(b) Activation of the building fire alarm system results in the transmission of alarm indication to the fire department legally committed to serve the facility or to an approved central station office) for a stairway serving only one adjacent floor and not connected to corridors or stairways serving other floors.

(2) Enclosure walls shall be of not less than two-hour fire resistive construction in buildings more than four stories in height and shall be of not less than one-hour fire resistive construction elsewhere.

(3) There shall be no openings into exit enclosures except exit doorways and openings in exterior walls. All exit doors in an exit enclosure shall be protected by a fire assembly having a fire protection rating of not less than one hour where one-hour shaft construction is permitted and one and one-half hours where two-hour shaft construction is required. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke detector interconnected to the fire alarm system.

(4) Stairway enclosures shall include landings and parts of floors connecting stairway flights and shall also include a corridor on the ground floor leading from the stairway to the exterior of the building. Enclosed corridors or passageways are not required from unenclosed stairways. Every opening into the corridor shall comply with the requirements of subsection (3) of this section.

(5) A stairway in an exit enclosure shall not continue below the grade level exit unless an approved barrier is provided at the ground floor level to prevent persons from accidentally continuing into the basement.

(6) There shall be no enclosed useable space under stairways in an exit enclosure, nor shall the open space under such stairways be used for any purpose.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-055 OTHER VERTICAL OPENINGS. ((In transient accommodations where stairway enclosures are required, elevators, dumbwaiters, laundry and rubbish chutes, pipe chases and other

vertical openings between floors shall be firestopped at each floor level or enclosed in continuous shafts, with all openings provided with self-closing or locking doors. Shafts not of fire-resistive or noncombustible construction shall be provided with an automatic sprinkler head at the top, connected to the domestic water system.)) (1) Openings extending vertically through floors shall be enclosed in a shaft of fire resistive construction. Shafts shall be of two-hour fire resistive construction in fire resistive buildings, and one-hour fire resistive construction elsewhere.

EXCEPTION: (a) An enclosure will not be required for openings which serve only one adjacent floor and are not connected with openings serving other floors and which are not concealed within the building construction.

(b) In Type 5 buildings, chutes and dumbwaiter shafts with a cross-sectional area of not more than nine square feet may be unenclosed if lined with lath and plaster or gypsum wallboard, with such lining covered with not less than No. 26 galvanized sheet metal gauge with all joints in such sheet locklapped. All openings into such enclosure shall be protected by metal or metal-clad doors with either metal or metal-clad jambs, casings or frames.

(2) Every opening into a shaft enclosure shall be protected by a self-closing fire assembly having a fire protection rating of one hour for openings through one-hour walls and one and one-half hours for openings through two-hour walls.

(3) In other than lodging houses, rubbish and linen chutes shall terminate in rooms separated from the remainder of the building by a one-hour fire resistive occupancy separation. Openings into the chutes shall not be located in exit corridors or stairways.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-060 INTERIOR FINISH. ((Ceiling and wall covering materials in corridors, stairways, passageways and other areas through which travel is necessary for continuous exit to the outside of the building shall have flame spread ratings of seventy-five or less, unless these areas are provided with automatic sprinklers.

The flame-spread rating of nonconforming interior finish materials may be reduced to acceptable levels by the application of flame-retardant paints or finishes, applied according to manufacturer's recommendations. Records of date of application, product applied, and the manner and rate of application shall be maintained for verification.)) Interior finish of enclosed vertical exitways shall have a Class 1 flame spread rating. Other exitways shall have a Class 2 flame spread rating.

EXCEPTION: Where approved sprinkler protection is provided throughout the building, the flame spread rating may be reduced one classification, but in no case shall materials having a classification greater than Class 3 be used.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-070 CORRIDORS, GUEST ROOM DOORS. ((+)) Guest room doors shall be steel, 1 3/4 inch solid wood core or equivalent. EXCEPTION: (a) Existing 1 3/8 inch solid wood-core doors may be continued in use if the door frames are not adequate to accommodate 1 3/4 inch solid wood-core doors.

(b) Existing nonconforming panel-type doors may continue in use if converted or modified by the application of fire resistive materials securely fastened to the door rails.

(c) Existing nonconforming panel-type doors may continue in use if the corridors and guest room are protected by an automatic sprinkler system.

(d) Guest room doors need not be 1 3/4 inch solid wood core if they open onto an exterior exit balcony, such as in motels.

(2) Guest room doors shall be self-closing and tight fitting to prevent the passage of smoke. Vision panels shall be wire glass, set in metal frames. EXCEPTION: (a) Guest room doors need not be self-closing if the corridors are protected by an automatic sprinkler system.

(b) Guest room doors need not be self-closing if corridors, stairways, passageways, and ways leading to outside exits are equipped with automatic smoke detectors, electrically interconnected to activate an approved fire alarm system, which transmits a signal to the fire department legally committed to serve the facility or to an approved central station office;

(c) Guest room doors need not be self-closing if the door opens onto an outside exit balcony, such as in motels.)) When used in these regulations, the term "corridor" shall include exterior exit balconies and

any covered or enclosed exit passageway including walkways and tunnels. Corridors serving as required exit for an occupant load of ten or more shall meet the following requirements.

(1) Exit corridors shall not be interrupted by intervening rooms.

EXCEPTION: Foyers, lobbies, or reception rooms constructed as required for corridors shall not be construed as intervening rooms.

(2) Corridors shall be not less than forty-four inches in width. Corridors in lodging houses shall be not less than thirty-six inches in width. The required width of corridors shall be unobstructed except for handrails and doors swinging to the fully opened position.

(3) Corridor walls shall be not less than one-hour fire resistive construction, and ceilings shall be not less than that required for one-hour fire resistive floor or roof system.

EXCEPTION: Exterior sides of exterior exit balconies.

(4) Corridors and exterior exit balconies shall have a clear height of seven feet measured from the lowest projection from the ceiling.

(5) When more than one exit is required, they shall be so arranged that it is possible to go in either direction from any point in a corridor to a separate exit, except for dead ends not exceeding twenty feet in length.

(6) Where corridor walls are required to be of one-hour fire resistive construction, every door opening shall be protected with a tight fitting smoke and draft control door assembly having a fire protection rating of not less than twenty minutes. Doors and frames shall be labeled to indicate the rating thereof, the name of the manufacturer and the identification of the service conducting the inspection of materials and workmanship at the factory during fabrication and assembly. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke detector electrically interconnected to an approved fire alarm system.

EXCEPTIONS: (a) Protection of openings in the interior walls of exterior exit balconies is not required.

(b) Previously approved one and three-quarter inch and one and three-eighths inch solid wood core doors, and doors upgraded to meet minimum requirements for fire resistance by the installation of fire resistive materials securely fastened to the door rails.

(7) Where corridor walls are required to be of one-hour fire resistive construction, interior openings for other than doors or ducts shall be protected by fixed, approved one-fourth inch thick wired glass installed in steel frames. The total area of all openings, other than doors, in any portion of an interior corridor shall not exceed twenty-five percent of the area of the corridor wall of the room which it is separating from the corridor.

EXCEPTION: Protection of openings in the interior walls of exterior exit balconies is not required.

(8) Corridor walls not required to be one-hour fire resistive construction may be surfaced with wood lath and plaster in good condition or one-half inch gypsum wallboard. Penetrations shall be repaired using materials commensurate with the surrounding wall construction. Transoms shall be fixed in the closed position, and the opening covered with five-eighths inch gypsum wallboard securely fastened in the corridor and room side of the opening.

**AMENDATORY SECTION** (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-075 FIRE ALARM SYSTEM. (1) An approved (electrically supervised fire alarm system shall be provided in each transient accommodation where the guest rooms exit into a common interior corridor. Transient accommodations constructed or licensed after the effective date of this regulation, which are not equipped with an automatic sprinkler system, shall be provided with an approved automatic smoke detection system throughout common interior corridors, passageways, and ways leading to outside exits.

(2) Audible devices shall be located in such a manner that the alarm signal is audible throughout the transient lodging portion of the building.

(3) automatic fire alarm system shall be installed in transient accommodations either three stories or more in height or containing twenty or more guest rooms. The fire alarm system shall include provisions for smoke detection and manual operation in interior corridors and automatic detection in storage rooms, laundry rooms, utility rooms, furnace rooms, janitorial-maintenance rooms, and toilets opening on exit corridors. Fire alarm system plans and equipment specifications shall be submitted for review and acceptance before the system is installed.

(2) Installation, inspection and maintenance of fire alarm systems shall be in accordance with these regulations and chapter 212-14 WAC.

(3) Signalling devices shall be located and installed to ensure the signal audibility level is not less than sixty decibels at the bed pillow in the most remote guest rooms, with all intervening doors in the closed position.

(4) An alarm sending station shall be provided at the desk or other location under continuous supervision by employees. Additional sending stations shall be located at or near each required exit from each floor.

((4)) (5) Where transient accommodations are equipped with automatic sprinkler systems, an electrical interconnection shall be provided between the sprinkler system and the fire alarm system, whereby activation of the sprinkler system will result in an alarm signal.

((5)) (6) The fire alarm system shall be under the supervision of a responsible person, who shall cause proper tests and inspections to be made at least once each month.

((6) At least one approved single station smoke detector shall be installed in each guest room in transient accommodations licensed after the effective date of this regulation. Smoke detectors shall be installed in accordance with the instructions of the manufacturer. The primary power supply for the smoke detectors may be either the commercial light and power supply normally available in the building, or from an integral battery or batteries. The smoke detectors shall be inspected and maintained in accordance with the instructions of the manufacturer.) (7) Every guest room in a transient accommodation used for sleeping purposes shall be provided with at least one Underwriters Laboratories (UL) listed smoke detector. This requirement shall apply retroactively to transient accommodations previously inspected and approved, as well as to transient accommodations inspected after the effective date of these regulations. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in existing buildings or buildings without commercial power. Smoke detectors shall be installed and maintained in accordance with the manufacturers instructions and these regulations.

**AMENDATORY SECTION** (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-080 NUMBER OF EXITS, ARRANGEMENT, EXIT DOORS. (1) ((Not less than two exits, remote from each other, shall be provided from each floor occupied for sleeping purposes. An existing fire escape may serve as one required exit if properly maintained, and access thereto is not obstructed. EXCEPTION: Second floors occupied by ten or less may be served by one exit)) Occupied floors above the first story having an occupant load of ten or more, floors above the second story, and basements shall have not less than two separate exits from the floor or basement.

EXCEPTIONS: (a) Floors and basements used exclusively for service of the building may be served by one exit.

(b) Storage rooms, laundry rooms, and maintenance offices not exceeding three hundred square feet in floor area may be served by one exit.

(c) Previously approved fire escapes may serve one required exit if well maintained and access thereto is not obstructed.

(2) ((Exits shall be arranged so that it is possible to go in either direction from any guest room and reach an exit, except that dead-end corridors not exceeding twenty feet in length from the guest room door may be permitted. In corridors equipped with an approved automatic smoke detection system throughout, dead-end corridors not exceeding thirty-five feet in length may be permitted)) If only two exits are required, they shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exits. When three or more exits are required, they shall be arranged a reasonable distance apart so that if one becomes blocked others will be available.

(3) When the occupant load is ((more than)) ten or more above the first ((floor)) story, exterior exit balconies ((such as may be found on motels;)) shall be ((equipped)) provided with not less than two remote stairways to ground level. Dead ends shall not exceed twenty feet in length.



(4) Every sleeping room below the fourth ((~~floor shall have a window capable of being opened without tools, with a sill height not over forty-eight inches above the floor, and providing the minimum opening height dimension of twenty-four inches, width dimension of twenty inches, and a minimum net clear opening of 5.7 square feet.~~) story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four inches. The minimum net clear opening width dimension shall be twenty inches. Where windows are provided as a means of escape or rescue they shall have a finished sill height not more than forty-four inches above the floor.

(5) A sign or decal shall be posted adjacent to the elevator call button on each floor stating "IN CASE OF FIRE, USE EXIT STAIRWAY."

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-085 ACCESS TO EXITS. All exits shall be accessible from public areas or corridors without having to pass through intervening rooms. ((~~Access to fire escapes through window openings shall be permitted only if the window is replaced or altered so as to swing as a conventional door. Steps shall be provided, if the sill exceeds twelve inches in height.~~) In other than lodging houses, exits shall not pass through kitchens, store rooms, restrooms, closets, or spaces used for similar purposes. Foyers, lobbies, and reception rooms constructed as required for corridors shall not be construed as intervening room.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-090 EXIT DOORS. (1) ((~~Exterior~~) Exit doors (from the building) shall be openable from the inside without the use of a key or any special knowledge or effort(, and the unlatching shall not require more than a single operation).

EXCEPTION: Exit doors from guest rooms of Group R, Division 1 and Group R, Division 3 Occupancies having an occupant load of ten or less may be provided with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool and mounted at a height not to exceed forty-eight inches above the finished floor.

(2) Exit doors shall swing in the direction of ((egress. EXCEPTIONS: Exit doors need not swing in the direction of egress: (a) In transient accommodations having less than ten guest rooms; or (b) Where the door may block access to fire escape balconies; or (c) If the door would otherwise block or restrict the means of egress)) exit travel when serving an occupant load of fifty or more. Except for approved power operated doors meeting requirements of Uniform Building Code standards; revolving, sliding and overhead doors shall not be used as required exits.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-095 EXIT SIGNS. ((~~At every required exit doorway and wherever otherwise required to clearly indicate the direction of egress, an exit or directional sign shall be provided. Exit signs shall be illuminated at all times the building is occupied. Exit signs may be of the internally illuminated type, or a standard placard containing the word "EXIT," which may be illuminated by an adjacent corridor light.~~) (1) Exit signs shall be installed at required exit doorways and where otherwise necessary to clearly indicate the direction of egress when the exit serves an occupant load of fifty or more.

(2) The color and design of lettering, arrows and other symbols on exit signs shall be in high contrast with their background. Words on the sign shall be in block letters six inches in height with a stroke of not less than three-quarter inch.

(3) Signs shall be internally or externally illuminated by two electric lamps or shall be of an approved self-luminous type. When the luminance on the face of an exit sign is from an external source, it shall have an intensity of not less than 5.0 footcandles from either lamp. Internally illuminated signs shall provide equivalent luminance.

(4) When separate branch circuits are required for exit illumination by WAC 212-52-100(2), current supply to one of the lamps for exit signs shall be from a circuit having outlets only for other exit signs or

exit illumination. Power to the other lamp shall be from a separate circuit that may supply other outlets.

(5) When separate sources of power are required for exit illumination by WAC 212-52-100(3), power to one of the lamps for exit signs shall be from storage batteries or an on-site generator set and the system shall be installed in accordance with the electrical code.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-100 CORRIDOR LIGHTING—((~~ILLUMINATING THE MEANS OF EGRESS~~) EXIT ILLUMINATION.

(1) ((Stairways, corridors, passageways, and public areas serving as required exits shall be provided with lighting to the extent that the way leading to outside exits is clearly visible at all times.

(2) In multistory transient accommodations having twenty-five or more guest rooms, power for corridor lighting shall be provided by means of separate circuits or separate energy sources.) Except within guest rooms and sleeping rooms, exits shall be illuminated at any time the building is occupied with light having intensity of not less than one footcandle at floor level.

(2) The power supply for exit illumination shall be provided by two separate branch circuits of the normal premises wiring system, unless an emergency system is installed, where the occupant load served by the exiting system exceeds three hundred. One of the required circuits shall supply only fixtures used for exit illumination or exit signs. The other circuit may supply current to other outlets.

(3) The power supply for exit illumination shall normally be provided by the premises wiring system. In the event of its failure, illumination shall be automatically provided from an emergency system where the occupant load served by an interior exit corridor system exceeds one hundred.

(4) Emergency systems shall be supplied from storage batteries or an on-site generator set and the system shall be installed in accordance with the requirements of the electrical code.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-105 FIRE EXTINGUISHERS. (1) At least one ((~~approved~~) Underwriters Laboratory (UL) listed 2A-10BC rated fire extinguisher shall be provided in the corridor of each guest-occupied floor. Additional extinguishers shall be provided as required, to ensure that one is within seventy-five feet of each guest room door.

(2) In buildings not having public corridors, an ((approved)) extinguisher shall be provided at a convenient location near the registration desk in a plainly marked enclosure accessible at all times to guests.

(3) Additional extinguishers of a size and type commensurate with the hazard presented shall be provided as required in other areas in which a fire would affect guest safety.

NEW SECTION

WAC 212-52-112 CONTROL OF HAZARDOUS CONDITIONS AND PRACTICES. (1) "NO SMOKING" signs shall be posted in rooms or areas where the state fire marshal determines smoking to be hazardous. Where smoking is permitted, suitable ash trays or receptacles shall be provided to deposit used smoking materials. When directed to do so, the licensee or owner shall obtain and install NO SMOKING signs at the locations specified by the state fire marshal.

(2) Unvented fuel-burning room heaters shall not be installed, used, maintained, or permitted to exist in a transient accommodation or lodging house subject to compliance with these regulations. Use of portable electric space heaters or hot plates in guest rooms, without prior written approval from the state fire marshal office, is prohibited.

(3) Flammable liquids shall be stored in flammable liquid storage cabinets meeting the design and construction requirements set forth in the Uniform Fire Code.

(4) Extension cords shall not be used in lieu of permanent wiring.

(5) Storage of combustible materials in furnace rooms, boiler rooms, mechanical or utility rooms is prohibited.

(6) Self-closing doors shall be maintained in the closed position unless they are held open on approved door holders electrically interconnected to the fire alarm system. Installation of kick-down door stops, or use of wedges on fire doors is prohibited.

(7) Electric baseboard heaters shall be frequently cleaned as required to preclude accumulation of dust, lint and debris. Combustible

materials shall not be placed or installed within eighteen inches of electric baseboard heaters.

(8) Fireplaces shall not be used without a serviceable fireplace screen installed in the fireplace opening.

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-115 MAINTENANCE. Fire protection systems, equipment and devices shall be ((properly)) maintained in accordance with these regulations and chapter 212-14 WAC.

(1) ~~((Manual fire alarm systems shall be operationally tested by the facility staff at least once each month. A record of the operational tests shall be maintained on the premises.~~

~~(2) Automatic fire detection systems shall be inspected at least annually. The inspection shall be conducted by a person or agency with the technical qualifications and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.~~

~~(3) Sprinkler systems shall be inspected at least annually. The inspection shall be conducted by a person or agency with the technical qualifications and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.~~

~~(4) Automatic smoke detection devices (single station) shall be operationally tested at monthly intervals by the facility staff, in accordance with the instructions supplied by the manufacturer. A record of the operational tests shall be maintained on the premises.~~

~~(5) At monthly intervals, the facility staff shall accomplish a visual inspection of fire extinguishers. The visual inspection must provide a reasonable assurance that the extinguisher is operational, and at its proper location. Monthly visual inspections shall be recorded, indicating the date inspected and initials of the inspector.~~

~~(6) Self-closing fire doors shall be maintained in the closed position, except where they are held open on approved door releases activated by products of combustion detectors other than heat. Under no conditions shall manually activated door stops be installed on a fire door.~~

~~(7) Fire door hardware, latches and closing devices shall be maintained in proper working condition.~~

~~(8) Guest room door self-closing devices shall be maintained in proper working condition.~~

~~(9) Corridor, stairway and exit lights shall be inspected daily. Burned-out bulbs shall be promptly replaced.~~

~~(10) Fire retardant paints or solutions shall be renewed at intervals necessary to maintain the fire retardant properties of the object or exposure to which it has been applied.~~

~~(11) "No smoking" signs shall be posted in rooms or areas where the state fire marshal determines smoking to be hazardous. Where smoking is permitted, suitable ash trays or receptacles shall be provided to deposit used smoking materials.)) Sprinkler systems, standpipe systems, fire alarm systems, automatic fire detection systems, engineered or preengineered fixed fire extinguishing systems, portable fire extinguishers, exit lighting, fire doors, fire door hardware, closing mechanisms, and any other fire protection system or device required by these regulations shall be maintained in operative condition at all times.~~

~~(2) At annual intervals, every fire protection system and appliance shall undergo certification testing and inspection. Certification testing and inspection shall be accomplished by a person specializing in the fire protection system or appliance being tested and inspected. The person performing the certification testing and inspection shall possess the licenses or credentials required by Washington state law. Results of certification inspection and testing shall be verified on forms provided by the state fire marshal. With respect to portable fire extinguishers, maintenance is a "thorough check" of the extinguisher. It is intended to give maximum assurance that an extinguisher will operate effectively and safely. It includes a thorough examination and any necessary repair or replacement. It will normally reveal the need for hydrostatic testing.~~

~~(3) Visual inspections and tests of fire protection systems and appliances, within the capability of the licensee or owner, shall be performed in accordance with manufacturers instructions or NFPA standards. Records of licensee or owner testing shall be maintained.~~

~~(4) Wall and ceiling penetrations shall be repaired with materials commensurate with the surrounding wall or ceiling construction.~~

~~(5) Outside fire escapes serving as required exits shall be maintained in good repair. Fire escapes detected with rusted, twisted, or broken~~

~~components shall be required to undergo structural and load testing as may be necessary to verify their serviceability.~~

~~(6) One or more fire watchmen shall be required at any time a fire alarm system, automatic fire detection system, or automatic sprinkler system is impaired or inoperative. Fire watchmen shall be obtained from professional security firms or may be fire service personnel. The establishment may utilize their own employees, provided they are full-time security staff employees with no other duties during their period of employment. Fire watchmen shall perform fire surveillance patrols throughout the effected portions of the building between the hours of 4:00 p.m. through 8:00 a.m. Fire surveillance patrols shall include, but not necessarily be limited to the following actions:~~

~~(a) Patrolling corridors, stairways and passageways; observing for smoke or any suspicious smoke odors.~~

~~(b) Ensuring that corridors, stairways, and passageways are free of obstructions.~~

~~(c) Ensuring that fire doors are maintained in the closed position.~~

~~(d) Ensuring that firefighting appliances are at their proper location.~~

~~(e) Monitor gatherings of persons in assembly areas to preclude overcrowding.~~

~~(f) Maintain a record of surveillance patrols.~~

~~(g) Implement emergency plan procedures upon detecting smoke or fire.~~

AMENDATORY SECTION (Amending Order FM 81-1, filed 1/21/81)

WAC 212-52-120 EMERGENCY PROCEDURES PLAN. (1) Each licensed transient accommodation shall develop and maintain a written fire emergency plan, specifying actions to be taken by the staff in the event of a fire emergency. The procedure shall include: (a) The actions taken by the staff upon being notified of a fire, (b) the actions to take for summoning the fire department, (c) the actions to take for assisting guests or others endangered by fire, (d) the actions required for guest safety as directed by the fire department, or a procedure for evacuating the building.

(2) The licensee or facility manager is responsible for assuring the staff is familiar with their duties as defined in the emergency plan. Training classes, covering each element of the emergency plan, shall be conducted at the time of employment and at annual intervals thereafter. An employee training record, indicating the date of training and names of employees receiving training, shall be maintained for the record.

(3) Transient accommodations three stories or more in height, where exit travel is through interior corridors, shall develop and post a Fire Safety Information Placard. See Figure 2 (WAC 212-52-99002) for an example of the Fire Safety Information Placard. The placard shall contain information intended to enhance the personal safety of the guest during a fire incident. The placard shall be fabricated from a durable material and securely fastened to the room side of each guest room door at approximately eye level. The placard shall include, but not necessarily be limited to the following information:

~~(a) The routes to primary and alternate exit doors or exit stairways.~~

~~(b) Location of manual fire alarm devices.~~

~~(c) Fire reporting telephone number.~~

~~(d) Type of fire alarm signalling device; such as bell, horn, buzzer, chime, electronic tone device and/or voice speaker.~~

~~(e) List of actions the guest should take for personal safety during a fire incident; actions to take prior to leaving the guest room, and actions when confined to the guest room.~~

~~(f) Information for fire reporting.~~

NEW SECTION

WAC 212-52-99001 FIGURE 1.

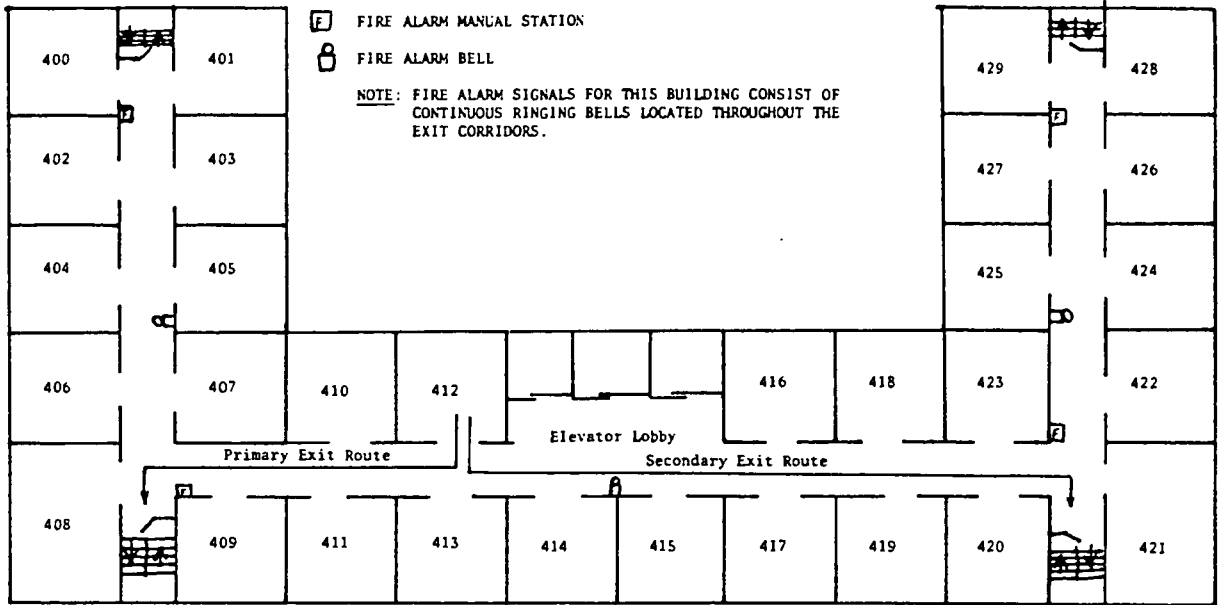
Washington State Fire Marshal		Return Completed Report To	
<b>FIRE INCIDENT REPORT</b>			
This report is to be prepared and submitted pursuant to the following chapters of the Washington Administrative Code; 212-52, 212-54, 212-55, 212-64, 212-65 and 212-70.			
Establishment Name:		Address:	
City:		Zip Code:	Phone No.
<u>Type Establishment</u> <input type="checkbox"/> Transient Accommodation(Hotel, Motel, Resort, Condominium, Bed & Breakfast) <input type="checkbox"/> Day Care Center, Mini Day Care, Day Treatment Program <input type="checkbox"/> Group Care Facility; Group Home, Maternity Service, Juvenile Detention <input type="checkbox"/> Other: _____		<u>Cause</u> <input type="checkbox"/> Set By Person(s) Known <input type="checkbox"/> Set By Person(s) Unknown <input type="checkbox"/> Carelessness, Negligence <input type="checkbox"/> Accidental, Unavoidable <input type="checkbox"/> Unknown, Undetermined <input type="checkbox"/> Other: _____	
Structural: Room, Area, Occupancy Describe: _____			
Non-Structural: Describe: _____			
Fire Discovered By:		Time:	Date:
		AM PM	
Fire Reported To:		By Means Of:	
Responding Agencies:		No. Personnel Responding:	
Where Fire Started:		Fire Spread To:	
First Material Burned:		Source Of Ignition:	
Method Of Extinguishment:		Damage Included:	
Number Injured:		Number Fatalities:	
Deficiencies In Alarm:			
Deficiencies In Extinguishment:			
Acts Or Omissions Causing Or Contributing To Fire Loss:			
Actions Taken To Prevent Re-Occurrence:			
Details:			
Final Disposition:			
Report Submitted By:		Title	Date

NEW SECTION

WAC 212-52-99002 FIGURE 2.

FIRE SAFETY INFORMATION PLACARD

(Example Of Emergency Exit Plan For Room 412)



FIRE SAFETY INFORMATION

1. NEVER SMOKE WHILE RECLINING OR LAYING ON THE BED!!
2. BECOME FAMILIAR WITH THE EXITS ON THIS FLOOR; DO NOT CONSIDER USING AN ELEVATOR AS AN EXIT.
3. COUNT THE NUMBER OF DOORS BETWEEN YOUR ROOM AND THE NEAREST EXIT; OPEN THE EXIT DOOR AND CHECK FOR ANY OBSTRUCTIONS.
4. WHEN APPLICABLE, DETERMINE THE LOCATION OF THE FIRE ALARM MANUAL STATION ON THIS FLOOR.
5. DETERMINE WHETHER THE GUEST ROOM WINDOW CAN BE OPENED: IF OPENABLE, DETERMINE HOW IT IS OPENED.
6. KEEP YOUR ROOM KEY ON THE BEDSIDE TABLE.
7. IF YOU LEAVE YOUR ROOM, TAKE YOUR KEY; ENSURE THE GUEST ROOM DOOR IS CLOSED AND SECURELY LATCHED AFTER DEPARTING THE ROOM.
8. OBTAIN THE TELEPHONE NUMBER OF THE LOCAL FIRE DEPARTMENT, AND MAINTAIN NEXT TO THE TELEPHONE.

IN THE EVENT OF FIRE

1. MAINTAIN YOUR COMPOSURE; DO NOT PANIC!!
2. REPORT THE FIRE TO THE REGISTRATION DESK OR FIRE DEPARTMENT, AS APPROPRIATE.
3. IF SMOKE HAS ENTERED YOUR ROOM, DROP TO YOUR HANDS AND KNEES AND CRAWL TO THE DOOR.
4. FEEL THE DOOR KNOB; IF IT IS HOT TO TOUCH, DO NOT OPEN THE DOOR. IF COOL, SLOWLY OPEN THE DOOR.
5. IF THE CORRIDOR IS SMOKEY, CRAWL NEXT TO THE WALL, COUNTING THE DOORS AS YOU CRAWL TO THE EXIT DOOR.
6. DO NOT ATTEMPT TO USE THE ELEVATORS!!
7. WHEN APPLICABLE, ACTIVATE THE FIRE ALARM MANUAL STATION UPON ENTERING THE EXIT STAIRWAY.
8. DO NOT WEDGE OR PROP EXIT STAIRWAY DOORS IN THE OPEN POSITION.
9. GRASP THE HANDRAIL AND WALK DOWN THE EXIT STAIRWAY.

IF YOU CANNOT LEAVE YOUR ROOM

10. CALL THE REGISTRATION DESK, FIRE DEPARTMENT OR PUBLIC EMERGENCY NUMBER, AND ADVISE THAT YOU ARE CONFINED TO YOUR ROOM.
11. FILL THE BATHTUB AND SINK WITH COLD WATER; MAINTAIN FULL THROUGHOUT THE FIRE EMERGENCY.
12. WET BEDSHEETS, TOWELS OR CLOTHING ITEMS AND INSERT IN THE CRACKS AROUND DOOR(S) AND VENTS.
13. CHECK TO SEE IF THERE IS ANY SMOKE OUTSIDE YOUR WINDOW; IF NOT, AND IF THE WINDOW CAN BE OPENED, HANG A SHEET OR LIGHT COLORED CLOTHING ITEM OUT THE WINDOW.
14. IF SMOKE ENTERS THE ROOM, TURN ON THE BATHROOM EXHAUST FAN; FOLD A WET CLOTH IN SUCH A WAY THAT IT CAN BE TIED OVER YOUR NOSE AND MOUTH. MAKE AN EFFORT TO AVOID SMOKE ACCUMULATING NEAR THE CEILING.
15. USING THE ICE BUCKET OR OTHER CONTAINER, DIP WATER FROM THE BATHTUB AND DISPENSE ON THE DOOR AND WALLS TO FACILITATE COOLING.
16. ATTEMPT TO MAKE YOURSELF VISIBLE TO FIREFIGHTING/RESCUE FORCES BY WAVING A LIGHT COLORED OBJECT WHILE STANDING AT THE WINDOW.
17. MAINTAIN YOUR FIREFIGHTING EFFORT UNTIL RESCUE OCCURS.

FIRE REPORTING TELEPHONE NUMBER IS: \_\_\_\_\_

BUILDING ADDRESS IS: \_\_\_\_\_

MY ROOM NUMBER IS: \_\_\_\_\_

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 212-52-040 OCCUPANCY SEPARATION.  
WAC 212-52-065 GUEST ROOM PROTECTION.

**WSR 86-08-065**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-16—Filed March 31, 1986]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these emergency sport regulations are necessary until the permanent regulations take effect.

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

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

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

APPROVED AND ADOPTED March 31, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

**WAC 220-56-10000B DEFINITIONS—PERSONAL USE.** Notwithstanding the provisions of WAC 220-56-100, effective immediately until further notice:

(1) The term "processed fish" as it applies in this chapter is defined as foodfish or shellfish which have been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(2) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island.

(3) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 near the mouth of the Columbia River.

(4) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

NEW SECTION

**WAC 220-56-15000A UNLAWFUL TO TAKE ANOTHER'S LIMIT.** Notwithstanding the provisions of WAC 220-56-150, effective immediately until further notice, it is unlawful for any person to catch, dig, or possess food fish or shellfish for another person except razor clams as provided for in WAC 220-56-370.

NEW SECTION

**WAC 220-56-18000S BAG LIMIT CODES.** Notwithstanding the provisions of WAC 220-56-180, effective immediately until further notice:

(1) *Bag Limit D:* In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of which may be sockeye salmon and all chinook salmon greater than 24 inches in length and coho salmon greater than 20 inches in length must be released.

(2) *Bag Limit I:* In waters having this code designation, the bag limit, possession limit, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington game commission.

NEW SECTION

**WAC 220-56-19000Z SALTWATER SEASONS AND BAG LIMITS.** Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice, in those waters of the Strait of Juan de Fuca from the Bonilla-Tatoosh Line to the mouth of the Sekiu River, Bag Limit F except during the period April 15 through June 15 all chinook salmon over 30 inches must be released - open concurrently with adjacent ocean waters.

NEW SECTION

**WAC 220-56-19500D CLOSED AREA—SALT-WATER SALMON ANGLING.** Notwithstanding the provisions of WAC 220-, effective immediately until further notice, those waters of Dungeness Bay westerly of a line projected 155 degrees true from the Dungeness Spit Light to Kulo Kala Point are closed to salmon angling April 15 through June 30.

**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 220-56-20500A FRESH WATER HOOK REGULATIONS.** Notwithstanding the provisions of WAC 220-, effective immediately until further notice, in the Chehalis River downstream from the mouth of the Satsop River it is unlawful to use nonbouyant lures other than natural bait lures with more than one single hook, or nonbouyant natural bait lures with more than two single hooks.

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

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

#### NEW SECTION

**WAC 220-56-24000C DAILY BAG LIMITS—OTHER FOOD FISH.** Notwithstanding the provisions of WAC 220-56-240, effective immediately until further notice:

(1) The daily bag limit for sturgeon is two fish state wide. The possession limit is two daily bag limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(2) The daily bag limit and possession limit for smelt are the same: 20 pounds.

#### NEW SECTION

**WAC 220-56-29500B STURGEON UNLAWFUL ACTS.** Notwithstanding the provisions of WAC 220-56-295, effective immediately until further notice, it is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling, or landing any sturgeon, and it is unlawful to fish for sturgeon with other than natural bait using no more than two single hooks.

#### NEW SECTION

**WAC 220-56-30500B STURGEON—SNAKE RIVER.** Notwithstanding the provisions of WAC 220-56-305, effective immediately until further notice, it is unlawful to fish for sturgeon in Washington waters of the Snake River and tributaries upstream from the powerline crossing below the U.S. 12 Bridge at Clarkston.

#### NEW SECTION

**WAC 220-56-31200A SHELLFISH POSSESSION LIMITS.** Notwithstanding the provisions of WAC 220-56-310, effective immediately until further notice, the daily bag limits for shellfish are those set forth in WAC 220-56-310, and additional shellfish may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-56-38200A OYSTERS AND CLAMS ON PRIVATE TIDELANDS.** Notwithstanding the provisions of WAC 220-56-382, effective immediately until further notice, it is unlawful for private tideland owners to transport or possess unfrozen or unprocessed shellfish away from their owned or leased tidelands in excess of the daily bag limit.

#### NEW SECTION

**WAC 220-56-40000B ABALONE.** Notwithstanding the provisions of WAC 220-56-400, effective immediately until further notice, the first five abalone must be taken, and it is unlawful to detach abalones once the daily bag limit has been taken.

#### NEW SECTION

**WAC 220-57-17500P COWLITZ RIVER.** Notwithstanding the provisions of WAC 220-57-175, effective immediately until further notice it is unlawful to fish upstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam.

#### NEW SECTION

**WAC 220-57-31900B LEWIS RIVER.** Notwithstanding the provisions of WAC 220-57-319, effective April 1 until further notice, Bag Limit A downstream from Lucia Falls to the La Center Bridge.

#### NEW SECTION

**WAC 220-57A-00100C LAKES—SEASONS AND BAG LIMITS.** Notwithstanding the provisions of Chapter 220-57A WAC, effective immediately until further notice, the following lakes are regulated under bag limit I (see Chapter 232-24 WAC for daily bag and possession limits and opening dates):

Baker Lake  
Banks Lake (Grant County)  
Big Lake (Skagit County)  
Chelan Lake (Chelan County)  
Clear Lake (Pierce County)  
Cushman Lake (Mason County)  
Davisson Lake (Riffe Lake) (Lewis County)  
Goodwin Lake (Snohomish County)  
Mayfield Lake (Lewis County)  
McMurray Lake (Skagit County)  
Merwin Lake (Merwin Reservoir)  
Roosevelt Lake (Ferry County)  
Shannon Reservoir (Skagit County)  
Wilderness Lake (King County)  
Wynochee Reservoir (Grays Harbor)

**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 86-08-066**

#### **NOTICE OF PUBLIC MEETINGS URBAN ARTERIAL BOARD**

[Memorandum—April 1, 1986]

MEETING NOTICE  
URBAN ARTERIAL BOARD  
TRANSPORTATION BUILDING  
OLYMPIA, WASHINGTON 98504  
(Transportation Board Room)

Beginning at 9:30 a.m., Friday, April 18, 1986.

Note: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to April 10, 1986.

**WSR 86-08-067**  
**ADOPTED RULES**  
**STATE PATROL**

[Order 446-86-1—Filed April 1, 1986]

I, George B. Tellevik, chief of the Washington State Patrol, do promulgate and adopt at the General Administration Building, AX-12, Olympia, the annexed rules relating to Private carriers—Driver qualifications and hours of service standards.

This action is taken pursuant to Notice No. WSR 86-05-015 filed with the code reviser on February 13, 1986. 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 46.73.010 and 46.73.020 which directs that the Washington State Patrol has authority to implement the provisions of chapter 46.73 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 April 1, 1986.

By George B. Tellevik  
 Chief

Chapter 446-55 WAC  
**PRIVATE CARRIER REGULATIONS—QUALIFICATIONS OF DRIVERS**

- WAC
- 446-55-010 Scope and interpretation of the rules in this chapter—Additional qualifications—Duties of private carrier-drivers.
  - 446-55-020 General exemptions.
  - 446-55-030 Definitions.
  - 446-55-040 Familiarity with rules.
  - 446-55-050 Aiding or abetting violations.
  - 446-55-060 Qualifications of drivers.
  - 446-55-070 Disqualification of drivers.
  - 446-55-080 Application for employment.
  - 446-55-090 Investigation and inquiries.
  - 446-55-100 Annual review of driving record.
  - 446-55-110 Record of violations.
  - 446-55-120 Road test.
  - 446-55-130 Equivalent of road test.
  - 446-55-140 Written examination.
  - 446-55-150 Examination format.
  - 446-55-160 Equivalent of written examination.
  - 446-55-165 Exemptions for single vehicle owner drivers.
  - 446-55-170 Physical qualifications for drivers.
  - 446-55-180 Medical examination—Certificate of physical examination.
  - 446-55-190 Persons who must be medically examined and certified.
  - 446-55-200 Resolution of conflicts of medical evaluation.
  - 446-55-210 Waiver of certain physical defects.
  - 446-55-220 Driver qualification files.

- 446-55-230 Drivers who were regularly employed for a continuous three-year period prior to the effective date of this rule.
- 446-55-240 Drivers of lightweight vehicles.
- 446-55-250 Intermittent, casual, or occasional drivers.
- 446-55-260 Drivers furnished by other motor carriers.
- 446-55-270 Drivers of articulated (combination) farm vehicles.
- 446-55-280 Intrastate drivers of vehicles transporting combustible liquids.

NEW SECTION

✓ WAC 446-55-010 SCOPE AND INTERPRETATION OF THE RULES IN THIS CHAPTER—ADDITIONAL QUALIFICATIONS—DUTIES OF PRIVATE CARRIER-DRIVERS. (1) The rules in this chapter establish minimum qualifications for persons who drive motor vehicles as, for, or on behalf of private carriers. The rules in this chapter also establish minimum duties of private carriers with respect to the qualifications of their drivers. The rules in this chapter shall be interpreted by the chief or designee, and when applicable shall be consistent with the federal interpretations of Part 391 of the Code of Federal Regulations as documented in the Federal Highway Administration, Department of Transportation, Federal Motor Carrier Safety Regulations, Interpretations.

(2) The rules in this chapter do not prevent a private carrier from imposing more stringent or additional qualifications, requirements, examinations, or certificates than are imposed by these rules.

(3) A private carrier who employs himself as a driver must comply with both the rules in this chapter that apply to private carriers and the rules in this chapter that apply to drivers except as provided in WAC 446-55-165.

NEW SECTION

✓ WAC 446-55-020 GENERAL EXEMPTIONS.

(1) Passenger car operations. The rules in this chapter do not apply to a driver who drives only a motor vehicle that:

(a) Is a passenger-carrying vehicle with a seating capacity of 10 or less persons, including the driver;

(b) Is not transporting passengers for hire; and

(c) Is not transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with part 177.823 of the Code of Federal Regulations.

(2) Certain farm vehicle drivers. The rules in this chapter do not apply to a farm vehicle driver operating equipment that meets the requirements of RCW 46.16-.090, except a farm vehicle driver who drives an articulated (combination) motor vehicle that has a gross weight, including its load of more than 10,000 pounds. (For limited exemptions for farm vehicle drivers of heavier articulated vehicles see WAC 446-55-270.)

(3) Farm custom operations. The rules in this chapter do not apply to a driver who drives a motor vehicle that meets the requirements of RCW 46.16.090 controlled and operated by a person engaged in custom-harvesting operations, if the vehicle is used to:

- (a) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
- (b) Transport custom-harvested crops to storage or market.

(4) Apiarian industries. The rules in this chapter do not apply to a driver who is operating a motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.

(5) Lightweight vehicle drivers. The rules in this chapter do not apply to a driver who drives only a lightweight vehicle as defined in WAC 446-55-030(5).

**NEW SECTION**

✓ WAC 446-55-030 DEFINITIONS. (1) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee, or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith. The term "private carrier" includes a private carrier and the agents, officers, representatives, and employees of a private carrier who are responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

(2) The term "chief" means the chief of the Washington state patrol.

(3) A private carrier "employs" a person as a driver within the meaning of this chapter whenever it requires or permits that person to drive a motor vehicle (whether or not the vehicle is owned by the private carrier) in furtherance of the business of the private carrier.

(4) The term "farm vehicle driver" means a person who drives only a motor vehicle that is:

- (a) Controlled and operated by a farmer;
- (b) Being used to transport either:
  - (i) Agricultural products; or
  - (ii) Farm machinery, farm supplies, or both, to or from a farm;
- (c) Not being used in the operations of a common or contract carrier;
- (d) Not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with part 177.823 of the Code of Federal Regulations; and

- (e) Either:
  - (i) A vehicle having a gross weight, including its load, of 10,000 pounds or less; or
  - (ii) A vehicle being used within 150 miles of the farmer's farm.

(5) The term "lightweight vehicle" as used in this chapter or used in rules adopted by reference, shall mean a motor vehicle that:

- (a) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of

ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

- (b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

(6) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(7) "Contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in subsections (1) and (6) of this section, and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(8) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(9) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as herein defined.

(10) "Motor vehicle" means any truck, trailer, semi-trailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers.

**NEW SECTION**

✓ WAC 446-55-040 FAMILIARITY WITH RULES. Each private carrier and each driver shall know, and be familiar with, the rules in this chapter.

**NEW SECTION**

✓ WAC 446-55-050 AIDING OR ABETTING VIOLATIONS. No person shall aid, abet, encourage, or require a private carrier or a driver to violate the rules in this chapter.

**NEW SECTION**

✓ WAC 446-55-060 QUALIFICATIONS OF DRIVERS. (1) A person shall not drive a motor vehicle unless he is qualified to drive a motor vehicle. Except as provided in chapter 46.20 RCW and WAC 446-55-250, a private carrier shall not require or permit a person to drive a motor vehicle unless that person is qualified to drive a motor vehicle.



(2) Except as provided in WAC 446-55-220 through 446-55-280, a person is qualified to drive a motor vehicle if he is qualified according to chapter 46.20 RCW and:

- (a) Is at least 18 years old;
- (b) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
- (c) Can, by reason of experience, training, or both, safely operate the type of motor vehicle he drives;
- (d) Can, by reason of experience, training, or both, determine whether the cargo he transports has been properly located, distributed, and secured in or on the motor vehicle he drives;
- (e) Is familiar with methods and procedures for securing cargo in or on the motor vehicle he drives;
- (f) Is physically qualified to drive a motor vehicle in accordance with WAC 446-55-170 through 446-55-210;
- (g) Has been issued a currently valid motor vehicle operator's license or permit;
- (h) Has prepared and furnished the private carrier that employs him with the list of violations or the certificate as required by WAC 446-55-110;
- (i) Is not disqualified to drive a motor vehicle under chapter 46.20 RCW and the rules in WAC 446-55-070;
- (j) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with WAC 446-55-120, or has presented an operator's license or a certificate of road test which the private carrier that employs him has accepted as equivalent to a road test in accordance with WAC 446-55-130;
- (k) Has taken a written examination and has been issued a certificate of written examination in accordance with WAC 446-55-140, or has presented a certificate of written examination which the private carrier that employs him has accepted as equivalent to a written examination in accordance with WAC 446-55-160; and
- (l) Has completed and furnished the private carrier that employs him with an application for employment in accordance with WAC 446-55-080.

#### NEW SECTION

✓ WAC 446-55-070 **DISQUALIFICATION OF DRIVERS.** (1) General. A driver who is disqualified shall not drive a motor vehicle. A private carrier shall not require or permit a driver who is disqualified to drive a motor vehicle.

(2) Disqualification for loss of driving privileges. A driver is disqualified for the duration of his loss of his privilege to operate a motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

(3) Disqualification for criminal misconduct.

(a) General rule. A driver who is convicted of, or forfeits bond or collateral upon a charge of, a disqualifying

offense specified in (b) of this subsection is disqualified for the period of time specified in (c) of this subsection if:

(i) The offense was committed after December 31, 1970; and

(ii) The offense was committed while the driver was driving a motor vehicle in the employ of a private carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

(b) Disqualifying offenses. The following offenses are disqualifying offenses:

(i) Operating a motor vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug;

(ii) A crime involving the knowing transportation, knowing possession, or unlawful use of amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs;

(iii) Leaving the scene of an accident which resulted in personal injury or death;

(iv) A felony involving the use of a motor vehicle.

(c) Duration of disqualification for criminal misconduct.

(i) First offenders. A driver is disqualified for 1 year after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was not convicted of, and did not forfeit bond or collateral upon a charge of, an offense that would disqualify him under the rules of this section.

(ii) Subsequent offenders. A driver is disqualified for 3 years after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was convicted of, or forfeited bond or collateral upon a charge of, an offense that would disqualify him under the rules in this section.

#### NEW SECTION

✓ WAC 446-55-080 **APPLICATION FOR EMPLOYMENT.** (1) Except as provided in WAC 446-55-165 and 446-55-230 through 446-55-280, a person shall not drive a motor vehicle unless he has completed and furnished the private carrier that employs him with an application for employment that meets the requirements of subsection (2) of this section.

(2) The application for employment shall be made on a form furnished by the private carrier. Each application form must be completed by the applicant, must be signed by him, and must contain the following information:

(a) The name and address of the employing private carrier;

(b) The applicant's name, address, date of birth, and social security number;

(c) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;

(d) The date on which the application is submitted;

(e) The issuing state, number, and expiration date of each unexpired motor vehicle operator's license or permit that has been issued to the applicant;

(f) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as busses, trucks, truck tractors, semitrailers, full trailers, and pole trailers) which he has operated;

(g) A list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused;

(h) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;

(i) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;

(j) A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted, together with the dates he was employed by, and his reason for leaving the employ of, each employer; and

(k) The following certification and signature line, which must appear at the end of the application form and be signed by the applicant:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's signature)

(3) A private carrier may require an applicant to provide information in addition to the information required by subsection (2) of this section on the application form.

(4) Before an application is submitted, the private carrier shall inform the applicant that the information he provides in accordance with subsection (2)(j) of this section may be used, and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background as required by WAC 446-55-090.

**NEW SECTION**

✓ WAC 446-55-090 INVESTIGATION AND INQUIRIES. (1) Except as provided in WAC 446-55-165 and 446-55-230 through 446-55-280, each private carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the private carrier for a continuous three-year period prior to the effective date of this rule.

(a) An inquiry into the driver's driving record during the preceding 3 years to the appropriate agency of every state in which the driver held a motor vehicle operator's license or permit during those 3 years; and

(b) An investigation of the driver's employment record during the preceding 3 years.

(2) The inquiry to state agencies required by subsection (1)(a) of this section must be made within 30 days of the date the driver's employment begins and shall be made in the form and manner those agencies prescribe. A copy of the response by each state agency, showing the driver's driving record or certifying that no driving record exists for that driver, shall be retained in the carrier's files as part of the driver's qualification file.

(3) The investigation of the driver's employment record required by subsection (1)(b) of this section must be made within 30 days of the date his employment begins. The investigation may consist of personal interviews, telephone interviews, letters, or any other method of obtaining information that the carrier deems appropriate. Each private carrier must make a written record with respect to each past employer who was contacted. The record must include the past employer's name and address, the date he was contacted, and his comments with respect to the driver. The record shall be retained in the private carrier's files as part of the driver's qualification file.

**NEW SECTION**

✓ WAC 446-55-100 ANNUAL REVIEW OF DRIVING RECORD. Except as provided in WAC 446-55-165 and 446-55-230 through 446-55-280, each private carrier shall, at least once every 12 months, review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a motor vehicle pursuant to WAC 446-55-070. In reviewing a driving record, the private carrier must consider any evidence that the driver has violated applicable provisions of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. The private carrier must also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public. A note, setting forth the date upon which the review was performed and the name of the person who reviewed the driving record, shall be included in the driver's qualification file.

**NEW SECTION**

✓ WAC 446-55-110 RECORD OF VIOLATIONS. (1) Except as provided in WAC 446-55-165 and 446-55-230 through 446-55-280, each private carrier shall, at least once every 12 months, require each driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he has forfeited bond or collateral during the preceding 12 months.

(2) Each driver shall furnish the list required in accordance with subsection (1) of this section. If the driver

has not been convicted of, or forfeited bond or collateral on account of, any violation which must be listed, he shall so certify.

(3) The form of the driver's list or certification shall be prescribed by the private carrier. The following form may be used to comply with this section:

MOTOR VEHICLE DRIVER'S CERTIFICATION

(I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months)

Table with 4 columns: Date of conviction, Offense, Location, Type of vehicle operated. Includes dotted lines for entries.

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

Form with fields for: (Date of certification), (Driver's signature), (Private carrier's name), (Private carrier's address), (Reviewed by: Signature), (Title).

(4) The private carrier shall retain the list or certificate required by this section, or a copy of it, in its files as part of the driver's qualification file.

NEW SECTION

WAC 446-55-120 ROAD TEST. (1) Except as provided in WAC 446-55-130, 446-55-165, 446-55-230, and 446-55-270, a person shall not drive a motor vehicle unless he has first successfully completed a road test and has been issued a certificate of driver's road test in accordance with this section.

(2) The road test shall be given by the private carrier or a person designated by it. However, a driver who is a private carrier must be given the test by a person other than himself. The test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he is capable of operating the vehicle and associated equipment, that the private carrier intends to assign him.

(3) The road test must be of sufficient duration to enable the person who gives it to evaluate the skill of the person who takes it at handling the motor vehicle, and associated equipment, that the private carrier intends to assign to him. As a minimum, the person who takes the test must be tested, while operating the type of motor vehicle the private carrier intends to assign him, on his skill at performing each of the following operations:

- (a) The pretrip inspection as outlined in the Code of Federal Regulations, part 392.7;
(b) Coupling and uncoupling of combination units, if the equipment he may drive includes combination units;
(c) Placing the vehicle in operation;

(d) Use of the vehicle's controls and emergency equipment;

(e) Operating the vehicle in traffic and while passing other vehicles;

(f) Turning the vehicle;

(g) Braking, and slowing the vehicle by means other than braking; and

(h) Backing and parking the vehicle.

(4) The private carrier shall provide a road test form on which the person who gives the test shall rate the performance of the person who takes it at each operation or activity which is a part of the test. After he completes the form, the person who gave the test shall sign it.

(5) If the road test is successfully completed, the person who gave it shall complete a certificate of driver's road test in substantially the form prescribed in subsection (6) of this section.

(6) The form for the certificate of driver's road test is substantially as follows:

CERTIFICATION OF ROAD TEST

Form with fields for: Driver's name, Social Security No., Operator's or Chauffeur's License No., State, Type of power unit, Type of trailer(s), If passenger carrier, type of bus.

This is to certify that the above-named driver was given a road test under my supervision on . . . . ., 19.., consisting of approximately . . . . miles of driving.

It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

Form with fields for: (Signature of examiner), (Title), (Organization and address of examiner).

(7) A copy of the certificate required by subsection (5) of this section shall be given to the person who was examined. The private carrier shall retain in the driver qualification file of the person who was examined:

- (a) The original of the signed road test form required by subsection (4) of this section; and
(b) The original, or a copy of, the certificate required by subsection (5) of this section.

NEW SECTION

WAC 446-55-130 EQUIVALENT OF ROAD TEST. (1) Except as provided in WAC 446-55-165, in place of, and as equivalent to, the road test required by WAC 446-55-120, a person who seeks to drive a motor vehicle may present, and a private carrier may accept:

(a) A valid operator's license which has been issued to him by a state that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that state, licenses him after successful completion of a road test in a motor vehicle of the type the private carrier intends to assign to him; or

(b) A copy of a valid certificate of driver's road test issued to him pursuant to WAC 446-55-120 within the preceding 3 years.

(2) If a driver presents, and a private carrier accepts, a license or certificate as equivalent to the road test, the private carrier shall retain a legible copy of the license or certificate in its files as part of the driver's qualification file.

(3) A private carrier may require any person who presents a license or certificate as equivalent to the road test to take a road test or any other test of his driving skill as a condition to his employment as a driver.

NEW SECTION

✓ WAC 446-55-140 WRITTEN EXAMINATION.

(1) Except as provided in WAC 446-55-160, 446-55-165, 446-55-230, and 446-55-270, a person shall not drive a motor vehicle unless he has first taken a written examination and has been issued a certificate of written examination in accordance with this section.

(2) The objective of the written examination is to instruct prospective drivers in the rules and regulations established by the Federal Highway Administration pertaining to commercial vehicle safety. It is an instructional tool only, and a person's qualifications to drive a motor vehicle under the rules in this chapter are not affected by his performance on the examination.

(3) The written examination shall be given by the private carrier or a person designated by it, on a form prescribed by the private carrier.

(4) Prior to, and during, the examination, the person who takes it shall be permitted to examine and consult a copy of the Federal Motor Carrier Safety Regulations, chapter III, subchapter B, parts 390 through 397, in addition to any other material explaining the provisions of those regulations that the private carrier may provide. There is no time limit for completing the examination, and persons taking it shall be so advised in advance.

(5) The examination shall consist of 66 questions, covering the examinee's knowledge of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. However, a person who is being examined with a view to employment as the driver of a motor vehicle which will not transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with part number 177.823 of the Code of Federal Regulations need not answer questions 58 through 66, inclusive. The questions given during the examination must be the same questions as those in WAC 446-55-150.

(6) After the examinee completes the examination, the person who administered it shall advise him of the correct answers to any questions he failed to answer correctly. The private carrier may also provide the examinee with such additional instruction in the pertinent regulations as appears to be warranted on the basis of his performance on the examination.

(7) The private carrier, or the person who administered the examination on the private carrier's behalf, shall provide every person who completes the examination with a certificate in substantially the following form:

CERTIFICATE OF WRITTEN EXAMINATION

This is to certify that the person whose signature appears below has completed the written examination under my supervision in accordance with the provisions of WAC 446-55-140.

\_\_\_\_\_  
(Signature of person taking examination)

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Location of examination)

\_\_\_\_\_  
(Signature of examiner)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Organization and address of examiner)

(8) A copy of the certificate required by subsection (7) of this section shall be given to the person who was examined. The private carrier shall retain, in the driver qualification file of the person who was examined:

(a) The original, or a copy of, the certificate required by subsection (7) of this section;

(b) The questions asked on the examination; and

(c) The person's answers to those questions.

NEW SECTION

✓ WAC 446-55-150 EXAMINATION FORMAT. The following examination format and answer key shall be utilized for written testing as provided by WAC 446-55-140.

All of the questions contained herein are based on the United States Department of Transportation's Federal Motor Carrier Safety Regulations. Applicants for the position of private carrier driver are required to take the examination.

Each question has four answers but only one is right. Your job is to read all of the answers and then to pick the one answer you believe is right. Mark an "X" in the space next to the answer you choose. Do not pick more than one answer for each question.

Here is a sample question to show you what is to be done:

The Federal Motor Carrier Safety Regulations were written for:

1. ( ) vehicle makers.

2. ( ) drivers only.

3. ( ) carriers only.

4. ( ) drivers and carriers.

The right answer is number 4, "drivers and carriers," so you would mark an "X" in the space next to answer number 4.

Finally, be sure to answer every question and do not skip any pages. Keep in mind that most of the regulations covered here apply to commercial bus and truck drivers and are different from what is required of passenger car drivers. Again, pick only one answer for each question. There is no time limit on the examination, but try to work as fast as you can.

1. Section 390.32 A motor carrier who is also a driver (owner-operator):

1.( ) is not covered by the safety regulations.  
2.( ) must obey only those parts of the regulations which cover drivers.

3.( ) must obey only those parts of the regulations which cover motor carriers.

4.( ) must obey both the parts covering drivers and the parts covering motor carriers.

2. Section 391.11(b)(1) With only a few exceptions, the Federal Motor Carrier Safety Regulations say a driver must be:

- 1.( ) at least 18 years old.
- 2.( ) at least 19 years old.
- 3.( ) at least 20 years old.
- 4.( ) at least 21 years old.

3. Section 391.15(c)(2)(3) A driver cannot drive a motor vehicle:

1.( ) for one year after a first offense conviction for a felony involving a commercial motor vehicle operated by the driver.

2.( ) for one year after a first offense conviction for driving a commercial vehicle under the influence of alcohol or narcotics.

3.( ) for one year after a first offense conviction for leaving the scene of an accident which resulted in personal injury or death.

4.( ) for one year after a first offense conviction for any of the above.

4. Section 391.21(b)(7)(8)(10) Every driver applicant must fill out an application form giving:

1.( ) a list of all vehicle accidents during the previous 3 years.

2.( ) a list of all motor vehicle violation convictions and bond forfeits (except for parking) during the previous 3 years.

3.( ) a list of names and addresses of all employers during the previous 3 years.

4.( ) all of the above.

5. Section 391.27(a)(b) At least once a year, a driver must fill out a form listing all motor vehicle violations (except parking) occurring during the previous 12 months. The driver must fill out the form:

1.( ) even if there were no violations.

2.( ) only if convicted.

3.( ) only if convicted or had forfeited bond or collateral.

4.( ) only if the carrier requires it.

6. Section 391.33(a)(2) If a driver applicant has a valid certificate showing successful completion of a driver's road test:

1.( ) the carrier must accept it.

2.( ) the carrier may still require the applicant to take a road test.

3.( ) the carrier cannot accept it.

4.( ) the carrier may request a road test waiver from the Bureau of Motor Carrier Safety.

7. Section 391.41(b)(5) A person with breathing problems which may affect safe driving:

1.( ) cannot drive.

2.( ) cannot drive unless the vehicle has an emergency oxygen supply.

3.( ) cannot drive unless another driver is along.

4.( ) cannot drive except on short runs.

8. Section 391.41(b)(7) Persons with arthritis, rheumatism, or any such condition which may affect safe driving:

1.( ) cannot drive unless they are checked by a doctor before each trip.

2.( ) cannot drive.

3.( ) cannot drive except when they are free of pain.

4.( ) cannot drive unless another driver is along.

9. Section 391.41(b)(8) Persons who have ever had epilepsy:

1.( ) cannot drive unless another driver is along.

2.( ) cannot drive.

3.( ) cannot drive on long runs.

4.( ) cannot drive without monthly medical examinations.

10. Section 391.41(b)(9)(12)(13) In order to be able to drive, a driver:

1.( ) must not have any mental, nervous or physical problem likely to affect safe driving.

2.( ) must not use an amphetamine, narcotic or any habit-forming drug.

3.( ) must not have a current alcoholism problem.

4.( ) must not have or use any of the above.

11. Section 391.45(c) If a driver gets an injury or illness serious enough to affect the ability to perform duties, the driver:

1.( ) must report it at the next scheduled physical.

2.( ) cannot drive again.

3.( ) must take another physical and be recertified before driving again.

4.( ) must wait at least 1 month after recovery before driving again.

12. Section 392.2 A driver may not drive faster than posted speed limits:

1.( ) unless the driver is sick and must complete the run quickly.

2.( ) at any time.

3.( ) unless the driver is passing another vehicle.

4.( ) unless the driver is late and must make a schedule arrival.

13. Section 392.3 When a driver's physical condition while on a trip requires the driver to stop driving, but stopping would not be safe, the driver:

1.( ) must stop anyway.

2.( ) may try to complete the trip, but as quickly as possible.

3.( ) may continue to drive to the home terminal.

4.( ) may continue to drive, but must stop at the nearest safe place.

14. Section 392.5(a)(1) A driver may not drink or be under the influence of any alcoholic beverage (regardless of alcoholic content):

1.( ) within 4 hours before going on duty or driving.

2.( ) within 6 hours before going on duty or driving.

3. ( ) within 8 hours before going on duty or driving.  
 4. ( ) within 12 hours before going on duty or driving.
15. Section 392.7 A driver must be satisfied that service and parking brakes, tires, lights and reflectors, mirrors, coupling and other devices are in good working order:
1. ( ) at the end of each trip.
  2. ( ) before the vehicle may be driven.
  3. ( ) only when the driver considers it necessary.
  4. ( ) according to schedules set by the carrier.
16. Section 392.8 The following must be in place and ready for use before a vehicle can be driven:
1. ( ) at least one spare fuse or other overload protector of each type used on the vehicle.
  2. ( ) a tool kit containing a specified list of hand tools.
  3. ( ) at least one spare tire for every four wheels.
  4. ( ) a set of spark plugs.
17. Section 392.9(a)(3) If any part of the cargo or anything else blocks a driver's front or side views, arm or leg movements, or the driver's access to emergency equipment, the driver:
1. ( ) can drive the vehicle, but must report the problem at the end of the trip.
  2. ( ) cannot drive the vehicle.
  3. ( ) can drive the vehicle, but only at speeds under 40 miles per hour.
  4. ( ) can drive the vehicle, but only on secondary roads.
18. Section 392.9(a) Any driver who needs glasses to meet the minimum visual requirements:
1. ( ) must drive only during daylight hours.
  2. ( ) must always wear glasses when driving.
  3. ( ) must always carry a spare pair of glasses.
  4. ( ) must not drive a motor vehicle.
19. Section 392.9(b) A driver with a hearing aid:
1. ( ) if the driver always has it turned on while driving.
  2. ( ) if the driver always carries a spare power source for it.
  3. ( ) if the driver can meet the hearing requirements when the hearing aid is turned on.
  4. ( ) if all of the above requirements are met.
20. Section 392.10(a) A driver required to stop at a railroad crossing should bring the vehicle to a stop no closer to the tracks than:
1. ( ) 5 feet.
  2. ( ) 10 feet.
  3. ( ) 15 feet.
  4. ( ) 20 feet.
21. Section 392.10(a) Shifting gears is not permitted:
1. ( ) when traveling faster than 35 miles per hour.
  2. ( ) when moving across any bridge.
  3. ( ) when crossing railroad tracks.
  4. ( ) when traveling down a hill steeper than 10 degrees.
22. Section 392.13 A driver of a motor vehicle, not required to stop at drawbridges without signals, must:
1. ( ) drive at a rate of speed which will permit a stop before reaching the lip of the draw.
  2. ( ) sound the horn before crossing.
  3. ( ) proceed across without reducing speed.
  4. ( ) slow down only if directed by an attendant.
23. Section 392.15(a) When turning a vehicle a driver should begin flashing the turn signals:
1. ( ) at least 50 feet before turning.
  2. ( ) at least 60 feet before turning.
  3. ( ) at least 75 feet before turning.
  4. ( ) at least 100 feet before turning.
24. Section 392.16 Which of the following is true?
1. ( ) if a seat belt is installed in the vehicle, a driver must have it fastened before beginning to drive.
  2. ( ) a driver may or may not use the seat belt, depending on the driver's judgment.
  3. ( ) seat belts are not necessary on heavier vehicles.
  4. ( ) A driver must use the seat belt only if required by the carrier.
25. Section 392.21 When a motor vehicle cannot be stopped off the traveled part of the highway, the driver:
1. ( ) must keep driving.
  2. ( ) may stop, but shall get as far off the traveled part of the highway as possible.
  3. ( ) may stop, but shall make sure that the vehicle can be seen as far as possible to its front and rear.
  4. ( ) may stop if the driver has to, but should do both 2 and 3 above.
26. Section 392.22(b)(1) If a vehicle has a breakdown, the driver must place one emergency signal:
1. ( ) 100 feet in front of the vehicle in the center of the lane it occupies.
  2. ( ) 100 feet in back of the vehicle in the center of the lane it occupies.
  3. ( ) 10 feet in front or back of the traffic side.
  4. ( ) at all of the above locations.
27. Section 392.22(b)(1)(i) If a vehicle has a breakdown on a poorly-lit street or highway, the driver shall place on the traffic side:
1. ( ) a reflective triangle.
  2. ( ) a lighted red electric lantern.
  3. ( ) a red reflector.
  4. ( ) any one of the above.
28. Section 392.22(b)(2)(iii) No emergency signals are required for a vehicle with a breakdown if the street or highway lighting is bright enough so it can be seen at a distance of:
1. ( ) 100 feet.
  2. ( ) 200 feet.
  3. ( ) 500 feet.
  4. ( ) 750 feet.
29. Section 392.22(b)(2)(v) If a vehicle has a breakdown and stops on a poorly-lit divided or one way highway, the driver must place one emergency signal:
1. ( ) 200 feet in back of the vehicle in the center of the lane it occupies.
  2. ( ) 100 feet in back of the vehicle on the traffic side of the vehicle.

3.( ) 10 feet in back of the vehicle on the traffic side of the vehicle.

4.( ) at all of the above locations.

30. Section 392.25 Lighted flame-producing emergency signals, including fuses:

1.( ) may not be used with vehicles carrying Class A or B explosives.

2.( ) may not be used with tank vehicles, loaded or empty, which are used to carry flammable liquids or gas.

3.( ) may not be used with any vehicle using compressed gas as a fuel.

4.( ) may not be used with any of the above.

31. Section 392.30(a) A driver is required to turn on vehicle lights:

1.( ) from one-half hour before sunset to one-half hour before sunrise.

2.( ) from one-half hour before sunset to sunrise.

3.( ) from one-half hour after sunset to one-half hour before sunrise.

4.( ) from sunset to one-half hour before sunrise.

32. Section 392.32(a)(b) When lights are required on the highway, a driver shall use the high beam:

1.( ) except when within 500 feet of an on-coming vehicle or a vehicle the driver is following.

2.( ) except when within 400 feet of an on-coming vehicle or a vehicle the driver is following.

3.( ) except when within 200 feet of an on-coming vehicle or a vehicle the driver is following.

4.( ) except when within 100 feet of an on-coming vehicle or a vehicle the driver is following.

33. Section 392.32(a) When lights are required, a driver may use lower beam lights:

1.( ) when fog, dust, or other such conditions exist.

2.( ) when approaching tunnels or bridges.

3.( ) when driving on one-way highways.

4.( ) when within 1,000 feet of business areas or where people live.

34. Section 392.40 Every driver involved in an accident must follow the safety regulation procedures whenever an injury or death is involved or if:

1.( ) the accident is caused by the driver and property damage of over \$2,000.00 results.

2.( ) property damage of over \$2,000.00 results, no matter who is at fault.

3.( ) property damage of over \$100.00 results.

4.( ) property damage of any kind results.

35. Section 392.41 If a driver strikes a parked vehicle, the driver should first:

1.( ) stop and call the local police.

2.( ) stop and call the carrier.

3.( ) stop and try to find the driver or owner of the parked vehicle.

4.( ) stop and estimate the damage.

36. Section 392.42 When a driver receives notice of license or permit revocation, suspension or other withdrawal action, the driver must:

1.( ) notify the carrier within 72 hours.

2.( ) notify the carrier within one week.

3.( ) notify the carrier before the end of the next business day.

4.( ) take no action since the carrier will get a notice.

37. Section 392.61 Except in emergencies, no driver shall allow a vehicle to be driven by any other person:

1.( ) except by those the driver knows are capable.

2.( ) except on roads with little or no traffic.

3.( ) except by those allowed by the carrier to do it.

4.( ) unless the driver goes along with the person driving.

38. Section 392.64 A person may ride inside a vehicle's closed body or trailer:

1.( ) only on short runs.

2.( ) only if there is an easy way to get out from the inside.

3.( ) only if the inside of the body or trailer is lighted.

4.( ) only if there is no cargo in it.

39. Section 392.66 If carbon monoxide is inside a vehicle or if a mechanical problem may produce a carbon monoxide danger, the vehicle:

1.( ) may be sent out and driven so long as the windows are left open.

2.( ) may not be sent out or driven.

3.( ) may be sent out and driven only if the carrier decides the vehicle has to be used.

4.( ) may be sent out and driven on short runs.

40. Section 392.68 No motor vehicle shall be operated out of gear:

1.( ) except when fuel must be saved.

2.( ) except on hills which are less than 20 degrees.

3.( ) except when it is necessary for stopping or shifting gears.

4.( ) except when the vehicle's speed is under 25 miles per hour.

41. Section 393.1(a) Under the Federal Motor Carrier Safety Regulations, no vehicle may be driven:

1.( ) until a list of all missing or defective equipment has been prepared and given to the carrier.

2.( ) until all equipment has been inspected and replacements for defective parts have been ordered.

3.( ) unless all missing equipment is to be replaced no later than the end of the vehicle's next run.

4.( ) until it meets all of the equipment requirements of the regulations.

42. Section 393 Minimum requirements for lighting, reflecting and electrical equipment and devices on buses and trucks:

1.( ) are set by the vehicle makers.

2.( ) are set by the National Safety Council.

3.( ) are specified in the safety regulations.

4.( ) are set by the trucking associations.

43. Section 393.18(a)(b) Every motor vehicle which has a load sticking out over its sides must be specifically marked with flags and lamps. Additional flags and lamps must be added if the load or tailgate sticks out beyond the rear of the vehicle by more than:

1.( ) 2 feet.

2.( ) 4 feet.

3.( ) 6 feet.

4.( ) 8 feet.

44. Section 393.41(a) Every vehicle shall have a parking brake system which will hold it, no matter what its load:

1.( ) on any grade on which it is operated which is free from ice and snow.

2.( ) on all grades under 15 degrees which are free from ice and snow.

3.( ) on all grades under 20 degrees which are free from ice and snow.

4.( ) on all grades under 25 degrees which are free from ice and snow.

45. Section 393.77(b)(6) A portable heater may not be used in any vehicle cab:

1.( ) unless the heater is secured.

2.( ) unless the heater is of the electric filament type.

3.( ) at any time.

4.( ) without approval from the carrier.

46. Section 395.3(a) A driver is not generally allowed to drive for more than:

1.( ) 6 hours following 8 straight hours off duty.

2.( ) 8 hours following 8 straight hours off duty.

3.( ) 10 hours following 8 straight hours off duty.

4.( ) 12 hours following 8 straight hours off duty.

47. Section 395.3(a) Most drivers of large vehicles are not allowed to drive:

1.( ) after they have been on duty for 16 hours.

2.( ) after they have been on duty for 15 hours.

3.( ) after they have been on duty for 14 hours.

4.( ) after they have been on duty for 12 hours.

48. Section 395.3(b) Generally, a driver may not be "on-duty":

1.( ) for more than 40 hours in any 7 straight days.

2.( ) for more than 50 hours in any 7 straight days.

3.( ) for more than 60 hours in any 7 straight days.

4.( ) for more than 70 hours in any 7 straight days.

49. Section 395.7 When a driver is riding in a vehicle, but is not driving and has no other responsibility, such time shall be counted as:

1.( ) on-duty time.

2.( ) on-duty time unless the driver is allowed 8 straight hours off duty upon arrival at the destination.

3.( ) on-duty time unless the driver is allowed 6 straight hours off duty upon arrival at the destination.

4.( ) on-duty time unless the driver is allowed 4 straight hours off duty upon arrival at the destination.

50. Section 395.8(f)(1) Every driver must prepare an original and one copy of the driver's record of duty status which must be kept current by updating it:

1.( ) every time a change of duty status is made.

2.( ) every 24 hours.

3.( ) every 8 hours.

4.( ) at the end of each trip.

51. Section 395.8(f)(2) Except for the name and main address of the carrier, all entries relating to the driver's record of duty status:

1.( ) must be printed in ink or typed.

2.( ) must be made by the carrier dispatcher.

3.( ) must be made in front of a witness.

4.( ) must be in the driver's handwriting.

52. Section 395.8(f)(5) and (h)(2) Which of the following is required to be put in a driver's record of duty status?

1.( ) time spent in a sleeper berth.

2.( ) total hours in each duty status.

3.( ) origin and destination.

4.( ) the name and make of the vehicle.

53. Section 395.11 If any emergency delays a run which could normally have been completed within hours of service limits, the driver:

1.( ) must still stop driving when the hours of service limits is reached.

2.( ) may drive for 1 extra hour.

3.( ) may drive for 2 extra hours.

4.( ) may finish the run without being in violation.

54. Section 395.13 A driver declared "Out of Service":

1.( ) must take a road test before driving again.

2.( ) must wait 72 hours before driving again.

3.( ) must appeal to the Director of the Bureau of Motor Carrier Safety to drive again.

4.( ) can drive again only after hours of service requirements are met.

55. Section 396.7 If a vehicle on a trip is in a condition likely to cause an accident or breakdown:

1.( ) the driver should report it at the end of the run so repairs can be made.

2.( ) the driver should drive at lower speeds for the rest of the run.

3.( ) the driver should stop immediately unless going on to the nearest repair shop is safer than stopping.

4.( ) the driver should change the route so as to get away from heavily traveled roads.

56. Section 396.9(c) If authorized Federal inspectors find a vehicle which is likely to cause an accident or breakdown:

1.( ) it will be reported to the carrier for repair as soon as the vehicle is not scheduled.

2.( ) it will be reported to the carrier for repair at the end of the trip.

3.( ) it will be marked with an "Out of Service Vehicle" sticker and not driven until repairs are made.

4.( ) the driver will be held responsible and declared "Out of Service."

57. Section 396.9(c)(4) If the driver personally makes repairs on an "Out of Service" vehicle:

1.( ) the work must be approved by a mechanic.

2.( ) the driver must complete and sign a "Certification of Repairman" form.

3.( ) the work must be approved by a supervisor.

4.( ) the work must be approved by a Federal inspector.

58. Section 397.3 Department of Transportation regulations covering the driving and parking of vehicles containing hazardous materials:

1.( ) replace State and local laws.



2. ( ) prevent States and cities from having their own laws.

3. ( ) must be obeyed even if State or local laws are less strict or disagree.

4. ( ) should not be obeyed if State or local laws disagree.

59. Section 397.5(c) A vehicle which contains hazardous materials other than Class A or B explosives must be attended at all times:

1. ( ) by the driver.

2. ( ) by the driver except when involved in other driver duties.

3. ( ) by the driver or a person chosen by the driver.

4. ( ) by the driver or a police officer.

60. Section 397.5(d)(1) A vehicle containing Class A or B explosives or other hazardous materials on a trip is "attended":

1. ( ) when the person in charge is anywhere within 100 feet of the vehicle.

2. ( ) as long as the driver can see the vehicle from 200 feet away.

3. ( ) when the person in charge is within 100 feet and has a clear view of the vehicle.

4. ( ) when the person in charge is resting in the berth.

61. Section 397.7(a)(3) Except for short periods when operations make it necessary, trucks carrying Class A or B explosives cannot be parked any closer to bridges, tunnels, buildings or crowds of people than:

1. ( ) 50 feet.

2. ( ) 100 feet.

3. ( ) 200 feet.

4. ( ) 300 feet.

62. Section 397.13(a) Smoking or carrying a lighted cigarette, cigar, or pipe near a vehicle which contains explosives, oxidizing or flammable materials is not allowed:

1. ( ) except in the closed cab of the vehicle.

2. ( ) except when the vehicle is moving.

3. ( ) except at a distance of 25 feet or more from the vehicle.

4. ( ) except when approved by the carrier.

63. Section 397.15(b) When a vehicle containing hazardous materials is being fueled:

1. ( ) no person may remain in the cab.

2. ( ) a person must be in control of the fueling process at the point where the fuel tank is filled.

3. ( ) the area within 50 feet of the vehicle must be cleared.

4. ( ) the person who controls the fueling process must wear special clothes.

64. Section 397.17(a) If a vehicle carrying hazardous materials is equipped with dual tires on any axle, the driver must examine the tires:

1. ( ) at all fueling stops only.

2. ( ) only at the end of each day or tour of duty.

3. ( ) at the beginning of each trip and each time the vehicle is parked.

4. ( ) at the beginning of each trip only.

65. Section 397.17(c) If a driver of a vehicle carrying hazardous materials finds a tire which is overheated, the driver must:

1. ( ) wait for the overheated tire to cool before going on.

2. ( ) remove and replace the overheated tire, store it on the vehicle and drive on.

3. ( ) remove the tire, place it a safe distance from the vehicle and not drive the vehicle until the cause of the overheating is fixed.

4. ( ) drive slowly to the nearest repair shop and have the cause of the overheating fixed.

66. Section 177.823(a) When required, specified hazardous materials markings or signs must be placed:

1. ( ) wherever they can be seen clearly.

2. ( ) on the sides and rear of the vehicle.

3. ( ) on the front, rear, and sides of the vehicle.

4. ( ) on the front and rear bumpers of the vehicle.

SCORING KEY—WRITTEN EXAMINATION

Section	Answer
(1) 390.32	4
(2) 391.11(b)(1)	4
(3) 391.15(c)(2)(3)	4
(4) 391.21(b)(7)(8)(10)	4
(5) 391.27(a)(b)	1
(6) 391.33(a)(2)	2
(7) 391.41(b)(5)	1
(8) 391.41(b)(7)	2
(9) 391.41(b)(8)	2
(10) 391.41(b)(9)(12)(13)	4
(11) 391.45(c)	3
(12) 392.2	2
(13) 392.2	4
(14) 392.5(a)(1)	1
(15) 392.7	2
(16) 392.8	1
(17) 392.9(a)(3)	2
(18) 392.9(a)	2
(19) 392.9(b)	4
(20) 392.10(a)	3
(21) 392.10(a)	3
(22) 392.13	1
(23) 392.15(a)	4
(24) 392.16	1
(25) 392.21	4
(26) 392.22(b)(1)	4
(27) 392.22(b)(1)(i)	4
(28) 392.22(b)(2)(iii)	3
(29) 392.22(b)(2)(v)	4
(30) 392.25	4
(31) 392.30(a)	3
(32) 392.32(a)(b)	1
(33) 392.32(a)	1
(34) 392.40	4
(35) 392.41	3
(36) 392.42	3
(37) 392.61	3

SCORING KEY—WRITTEN EXAMINATION

Section	Answer
(38) 392.64	2
(39) 392.66	2
(40) 392.68	3
(41) 393.1(a)	4
(42) 393	3
(43) 393.18(a)(b)	2
(44) 393.41(a)	1
(45) 393.77(b)(6)	3
(46) 395.3(a)	3
(47) 395.3(a)	2
(48) 395.3(b)	3
(49) 395.7	2
(50) 395.8(f)(1)	1
(51) 395.8(f)(2)	4
(52) 395.8(f)(5) and (h)(2)	1
(53) 395.11	4
(54) 395.13	4
(55) 396.7(b)	3
(56) 396.9(c)	3
(57) 396.9(c)(4)	2
(58) 397.3	3
(59) 397.5(c)	2
(60) 397.5(d)(1)	3
(61) 397.7(a)(3)	4
(62) 397.13(a)	3
(63) 397.15(b)	2
(64) 397.17(a)	3
(65) 397.17(c)	3
(66) 177.823(a)	3

NEW SECTION

✓ WAC 446-55-160 EQUIVALENT OF WRITTEN EXAMINATION. (1) Except as provided in WAC 446-55-165, in place of, and as equivalent to, the written examination required by WAC 446-55-140, a person who seeks to drive a motor vehicle may present, and a private carrier may accept, a valid certificate of written examination issued pursuant to WAC 446-55-140(7) within the preceding 3 years.

(2) If a private carrier accepts a certificate as equivalent to the written examination, it shall retain a legible copy of the certificate in its files as part of the driver's qualification file.

(3) A private carrier may require any person who presents a certificate as equivalent to the written examination to take the written examination prescribed in WAC 446-55-140 or participate in any other instructional process designed to acquaint him with the Code of Federal Regulations, chapter III, subchapter B, parts 390 through 397.

NEW SECTION

✓ WAC 446-55-165 EXEMPTIONS FOR SINGLE VEHICLE OWNER DRIVERS. WAC 446-55-080, 446-55-090, 446-55-100, 446-55-120, and 446-55-160

shall not apply to a single vehicle owner driver when operation as part of the owner's business.

NEW SECTION

✓ WAC 446-55-170 PHYSICAL QUALIFICATIONS FOR DRIVERS. (1) A person shall not drive a motor vehicle unless he is physically qualified to do so and, except as provided in WAC 446-55-270, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a motor vehicle.

(2) A person is physically qualified to drive a motor vehicle if that person:

(a) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a waiver pursuant to WAC 446-55-210;

(b) Has no impairment of:

(i) A hand or finger which interferes with prehension or power grasping; or

(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or has been granted a waiver pursuant to WAC 446-55-210;

(c) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(d) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;

(e) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a motor vehicle safely;

(f) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a motor vehicle safely;

(g) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a motor vehicle safely;

(h) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;

(i) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a motor vehicle safely;

(j) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

(k) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951;

(l) Does not use an amphetamine, narcotic, or any habit-forming drug; and

(m) Has no current clinical diagnosis of alcoholism.

#### NEW SECTION

~~WAC 446-55-180~~ **MEDICAL EXAMINATION—CERTIFICATE OF PHYSICAL EXAMINATION.** (1) Except as provided in subsection (2) of this section, the medical examination shall be performed by a licensed doctor of medicine or osteopathy.

(2) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, field of vision, and the ability to recognize colors as specified in WAC 446-55-170 (2)(j).

(3) The medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions and examination form:

#### **INSTRUCTIONS FOR PERFORMING AND RECORDING PHYSICAL EXAMINATIONS**

The examining physician should review these instructions before performing the physical examination. Answer each question yes or no where appropriate.

The examining physician should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the driver of a private motor vehicle. In the interest of public safety the examining physician is required to certify that the driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a private motor vehicle.

**General information.** The purpose of this history and physical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant's ability to operate a motor vehicle safely. The examination should be made carefully and at least as complete as indicated by the attached form. History of certain defects may be cause for rejection or indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the applicant and he should be advised to take the necessary steps to insure correction, particularly of those which, if neglected, might lead to a condition likely to affect his ability to drive safely.

**General appearance and development.** Note marked overweight. Note any posture defect, perceptible limp, tremor, or other defects that might be caused by alcoholism, thyroid intoxication, or other illnesses. WAC 446-55-070(2) provides that no driver shall use a narcotic or other habit-forming drugs.

**Head-eyes.** When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the Medical Examiner's Certificate by checking the box, "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos, or strabismus, uncorrected by corrective lenses. Monocular drivers are not qualified to operate commercial motor vehicles under WAC 446-55-170 (2)(j). If the driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

**Ears.** Note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo, or Meniere's Syndrome. When recording hearing, record distance from patient at which a forced whispered voice can first be heard. If audiometer is used to test hearing, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz.

**Throat.** Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngeal condition which could interfere with the safe operation of a motor vehicle.

**Thorax-heart.** Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failures. Electrocardiogram is required when findings so indicate.

**Blood pressure.** Record with either spring or mercury column type of sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg., further tests may be necessary to determine whether the driver is qualified to operate a motor vehicle.

**Lungs.** If any lung disease is detected, state whether active or arrested; if arrested, your opinion as to how long it has been quiescent.

**Gastrointestinal system.** Note any diseases of the gastrointestinal system.

**Abdomen.** Note wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted if present. State how long and if adequately contained by truss.

**Abnormal masses.** If present, note location, if tender, and whether or nor applicant knows how long they have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

**Tenderness.** When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

**Genito-urinary.** Urinalysis is required. Acute infections of the genito-urinary tract, as defined by local and state public health laws, indications from urinalysis of uncontrolled diabetes, symptomatic albumin-urea in the urine, or other findings indicative of health conditions likely to interfere with the control and safe operation of a motor vehicle, will disqualify an applicant from operating a motor vehicle.

**Neurological.** If positive Romberg is reported, indicate degrees of impairment. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when foot is actually lifted from the floor following a light blow on the patella, sensory vibratory and positional abnormalities should be noted.

**Extremities.** Carefully examine upper and lower extremities. Record the loss of impairment of a leg, foot, toe, arm, hand, or fingers. Note any and all deformities, the presence of atrophy, semiparalysis or paralysis, or varicose veins. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. Particular attention should be given to and a record should be made of, any impairment or structural defect which may interfere with the driver's ability to operate a motor vehicle safely.

**Spine.** Note deformities, limitation of motion, or any history of pain, injuries, or disease, past or presently experienced in the cervical or lumbar spine region. If findings so dictate, radiologic and other examinations should be used to diagnose congenital or acquired defects; or spondylolisthesis and scoliosis.

**Recto-genital studies.** Diseases or conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling, or during periods of prolonged driving that might be necessary as part of the driver's duties.

**Laboratory and other special findings.** Urinalysis is required, as well as such other tests as the medical history or findings upon physical examination may indicate are necessary. A serological test is required if the applicant has a history of luetic infection or present physical findings indicate the possibility of latent syphilis. Other studies deemed advisable may be ordered by the examining physician.

**Diabetes.** If insulin is necessary to control a diabetic condition, the driver is not qualified to operate a motor vehicle. If mild diabetes is noted at the time of examination and it is stabilized by use of a hypoglycemic drug and a diet that can be obtained while the driver is on duty, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

The physician must date and sign his findings upon completion of the examination.

**EXAMINATION TO DETERMINE PHYSICAL CONDITION OF DRIVERS**

Driver's name \_\_\_\_\_  New Certification  
 Address \_\_\_\_\_  Recertification  
 Social Security No. \_\_\_\_\_  
 Date of birth \_\_\_\_\_ Age \_\_\_\_\_

Yes	No	Health History
<input type="checkbox"/>	<input type="checkbox"/>	Head or spinal injuries.
<input type="checkbox"/>	<input type="checkbox"/>	Seizures, fits, convulsions, or fainting.
<input type="checkbox"/>	<input type="checkbox"/>	Extensive confinement by illness or injury.
<input type="checkbox"/>	<input type="checkbox"/>	Cardiovascular disease.
<input type="checkbox"/>	<input type="checkbox"/>	Tuberculosis.
<input type="checkbox"/>	<input type="checkbox"/>	Syphilis.
<input type="checkbox"/>	<input type="checkbox"/>	Gonorrhoea.
<input type="checkbox"/>	<input type="checkbox"/>	Diabetes.
<input type="checkbox"/>	<input type="checkbox"/>	Gastrointestinal ulcer.
<input type="checkbox"/>	<input type="checkbox"/>	Nervous stomach.
<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic fever.
<input type="checkbox"/>	<input type="checkbox"/>	Asthma.
<input type="checkbox"/>	<input type="checkbox"/>	Kidney disease.
<input type="checkbox"/>	<input type="checkbox"/>	Muscular disease.
<input type="checkbox"/>	<input type="checkbox"/>	Suffering from any other disease.
<input type="checkbox"/>	<input type="checkbox"/>	Permanent defect from illness, disease or injury.
<input type="checkbox"/>	<input type="checkbox"/>	Psychiatric disorder.
<input type="checkbox"/>	<input type="checkbox"/>	Any other nervous disorder.

If answer to any of the above is yes, explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PHYSICAL EXAMINATION**

General appearance and development:  
 Good \_\_\_ Fair \_\_\_ Poor \_\_\_  
 Vision: For distance:  
 Right 20/ \_\_\_ Left 20/ \_\_\_  
 Without corrective lenses.  
 With corrective lenses if worn.  
 Evidence of disease or injury:  
 Right \_\_\_ Left \_\_\_  
 Color Test \_\_\_\_\_  
 Horizontal field of vision:  
 Right \_\_\_° Left \_\_\_°  
 Hearing:  
 Right ear \_\_\_ Left ear \_\_\_  
 Disease or injury \_\_\_\_\_  
 Audiometric Test (complete only if audiometer is used to test hearing) decibel loss as 500 Hz \_\_\_, at 1,000 Hz \_\_\_, at 2,000 Hz \_\_\_  
 Throat \_\_\_\_\_  
 Thorax:  
 Heart \_\_\_\_\_  
 If organic disease is present, is it fully compensated? \_\_\_\_\_  
 Blood pressure:  
 Systolic \_\_\_ Diastolic \_\_\_  
 Pulse: Before exercise \_\_\_\_\_  
 Immediately after exercise \_\_\_\_\_  
 Lungs \_\_\_\_\_

Abdomen:  
 Scars \_\_\_ Abnormal masses \_\_\_  
 Tenderness \_\_\_  
 Hernia: Yes \_\_\_ No \_\_\_  
 If so, where? \_\_\_\_\_  
 Is truss worn? \_\_\_\_\_

Gastrointestinal:  
 Ulceration or other disease:  
 Yes \_\_\_ No \_\_\_

Genito-Urinary:  
 Scars \_\_\_\_\_  
 Urethral discharge \_\_\_\_\_

Reflexes:  
 Romberg \_\_\_\_\_  
 Pupillary \_\_\_ Light R \_\_\_ L \_\_\_  
 Accommodation Right \_\_\_ Left \_\_\_

Knee Jerks:  
 Right:  
 Normal \_\_\_ Increased \_\_\_ Absent \_\_\_  
 Left:  
 Normal \_\_\_ Increased \_\_\_ Absent \_\_\_

Remarks \_\_\_\_\_

Extremities:  
 Upper \_\_\_\_\_  
 Lower \_\_\_\_\_  
 Spine \_\_\_\_\_

Laboratory and other Special Findings:  
 Urine: Spec. Gr. \_\_\_ Alb. \_\_\_  
 Sugar \_\_\_  
 Other laboratory data (Serology, etc.) \_\_\_\_\_

Radiological data \_\_\_\_\_  
 Electrocardiograph \_\_\_\_\_

General comments \_\_\_\_\_

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Address of examining doctor)

\_\_\_\_\_  
(Name of examining doctor  
(Print))

\_\_\_\_\_  
(Signature of examining doctor)

NOTE: This section to be completed only when visual test is conducted by a licensed ophthalmologist or optometrist.

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Address of ophthalmologist or  
optometrist)

\_\_\_\_\_  
(Name of ophthalmologist or  
optometrist (Print))

\_\_\_\_\_  
(Signature of ophthalmologist or  
optometrist)

(4) If the medical examiner finds that the person he examined is physically qualified to drive a motor vehicle in accordance with WAC 446-55-170(2), he shall complete a certificate in the form prescribed in subsection (5) of this section and furnish one copy to the person who was examined and one copy to the private carrier that employs him.

(5) The medical examiner's certificate shall be in accordance with following form:

**MEDICAL EXAMINER'S CERTIFICATE**

I certify that I have examined \_\_\_\_\_ (driver's name (print)) in accordance with WAC 446-55-170 through 446-55-210 and with knowledge of his duties, I find him qualified under the regulations.

Qualified only when wearing corrective lenses.

A completed examination form for this person is on file in my office at \_\_\_\_\_ (Address)

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Name of examining doctor  
(Print))

\_\_\_\_\_  
(Signature of examining doctor)

\_\_\_\_\_  
(Signature of driver)

\_\_\_\_\_  
(Address of driver)

If the driver is qualified only when wearing a hearing aid, the following statement must appear on the medical examiner's certificate: "Qualified only when wearing a hearing aid." If a medical examiner determines a waiver is necessary under WAC 446-55-210, the following statement shall appear on the medical examiner's certificate: "Medically unqualified unless accompanied by a waiver."

**NEW SECTION**

**WAC 446-55-190 PERSONS WHO MUST BE MEDICALLY EXAMINED AND CERTIFIED.** Except as provided in WAC 446-55-270, the following persons must be medically examined and certified in accordance with WAC 446-55-180 as physically qualified to drive a motor vehicle:

(1) Any person who has not been medically examined and certified as physically qualified to drive a motor vehicle;

(2) Any driver who has not been medically examined and certified as qualified to drive a motor vehicle during the preceding 24 months; and

(3) Any driver whose ability to perform his normal duties has been impaired by a physical or mental injury or disease.

**NEW SECTION**

**WAC 446-55-200 RESOLUTION OF CONFLICTS OF MEDICAL EVALUATION.** (1) Applications. Applications for determination of a driver's medical qualifications under standards in this chapter will only be accepted if they conform to the requirements of this section.

(2) Content. Applications will be accepted for consideration only if the following conditions are met:

(a) The application must contain the name and address of the driver, private carrier, and all physicians involved in the proceeding.

(b) The applicant must submit proof that there is a disagreement between the physician for the driver and

the physician for the private carrier concerning the driver's qualifications.

(c) The applicant must submit a copy of an opinion and report including results of all tests of an impartial medical specialist in the field in which the medical conflict arose. The specialist should be one agreed to by the private carrier and the driver.

(i) In cases where the driver refuses to agree on a specialist and the applicant is the private carrier, the applicant must submit a statement of his agreement to submit the matter to an impartial medical specialist in the field, proof that he has requested the driver to submit to the medical specialist, and the response, if any, of the driver to his request.

(ii) In cases where the private carrier refuses to agree on a medical specialist, the driver must submit an opinion and test results of an impartial medical specialist, proof that he has requested the private carrier to agree to submit the matter to the medical specialist and the response, if any, of the private carrier to his request.

(d) The applicant must include a statement explaining in detail why the decision of the medical specialist identified in (c) of this subsection, is unacceptable.

(e) The applicant must submit proof that the medical specialist mentioned in (c) of this subsection was provided, prior to his determination, the medical history of the driver and an agreed-upon statement of the work the driver performs.

(f) The applicant must submit the medical history and statement of work provided to the medical specialist under (e) of this subsection.

(g) The applicant must submit all medical records and statements of the physicians who have given opinions on the driver's qualifications.

(h) The applicant must submit a description and a copy of all written and documentary evidence upon which the party making application relies in the form set out in 49 CFR 386.37.

(i) The applicant must submit three copies of the application and all records.

(3) Information. The chief of the Washington state patrol or his designee may request further information from the applicant if he determines that a decision cannot be made on the evidence submitted. If the applicant fails to submit the information requested, the chief or his designee may refuse to issue a determination.

(4)(a) Action. Upon receiving a satisfactory application the chief or his designee shall notify the parties (the driver, private carrier, or any other interested party) that the application has been accepted and that a determination will be made. A copy of all evidence received shall be attached to the notice.

(b) Reply. Any party may submit a reply to the notification within 15 days after service. Such reply must be accompanied by all evidence the party wants the chief or his designee to consider in making his determination. Evidence submitted should include all medical records and test results upon which the party relies.

(c) Parties. A party for the purposes of this section includes the private carrier and the driver, or anyone else submitting an application.

(5) Petitions to review, burden of proof. The driver or private carrier may petition to review the chief's or his designee's determination. Such petition must be submitted in accordance with 49 CFR Part 386.13(a). The burden of proof in such a proceeding is on the petitioner.

(6) Status of driver. Once an application is submitted to the chief or his designee, the driver shall be deemed disqualified until such time as the chief or his designee makes a determination, or until the chief or his designee orders otherwise.

#### NEW SECTION

✓ WAC 446-55-210 WAIVER OF CERTAIN PHYSICAL DEFECTS. (1) A person who is not physically qualified to drive under WAC 446-55-170 (2)(a) or (b) and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, if the chief or his designee has granted a waiver to that person.

(2) A letter of application for a waiver may be submitted jointly by the person who seeks a waiver of the physical disqualification (driver applicant) and by the private carrier that will employ the driver applicant if the application is granted. The application must be addressed to: Chief of the Washington State Patrol, State Patrol Headquarters, General Administration Building, Olympia, WA 98504. Exception. A letter of application for a waiver may be submitted unilaterally by a driver applicant. The application must also be addressed to: Chief of the Washington State Patrol, State Patrol Headquarters, General Administration Building, Olympia, WA 98504. The driver applicant must comply with all the requirements of subsection (3) of this section except subsection (3)(a)(i) of this section. The driver applicant shall respond to the requirements of subsection (3)(b)(i) through (v) of this section, if the information is known.

(3) A letter of application for a waiver shall contain:

(a) Identification of the applicant(s):

(i) Name and complete address of the private carrier coapplicant;

(ii) Name and complete address of the driver applicant; and

(iii) A description of the driver applicant's limb impairment for which waiver is requested.

(b) Description of the type of operation the driver will be employed to perform:

(i) State(s) in which the driver will operate for the private carrier coapplicant (if more than 10 states, designate general geographic area only);

(ii) Average period of time the driver will be driving and/or on duty, per day;

(iii) Type of commodities or cargo to be transported;

(iv) Type of driver operation (i.e., sleeper-team, relay, owner operator, etc.); and

(v) Number of years experience operating the type of vehicle(s) requested in the letter of application and total years of experience operating all types of motor vehicles.

(c) Description of the vehicle(s) the driver applicant intends to drive:

(i) Truck, truck-tractor, or bus make, model, and year (if known);

(ii) Drive train;

(A) Transmission type (automatic or manual—if manual, designate number of forward speeds);

(B) Auxiliary transmission (if any) and number of forward speeds; and

(C) Rear axle (designate single speed, 2 speed, or 3 speed);

(iii) Type of brake system;

(iv) Steering, manual or power assisted;

(v) Description of type of trailer(s) (i.e., van, flat bed, cargo tank, drop frame, lowboy, or pole);

(vi) Number of semitrailers or full trailers to be towed at one time;

(vii) For passenger-carrying vehicles, indicate seating capacity of vehicle; and

(viii) Description of any vehicle modification(s) made for the driver applicant; attach photograph(s) where applicable.

(d) Otherwise qualified:

(i) The coapplicant private carrier must certify that the driver applicant is otherwise qualified under the regulations of this chapter;

(ii) In the case of a unilateral application, the driver applicant must certify that he or she is otherwise qualified under the regulations of this chapter.

(e) Signature of applicant(s):

(i) Driver applicant's signature and date signed;

(ii) Private carrier official's signature (if application has a coapplicant), title, and date signed. Dependent upon the private carrier's organizational structure (corporation, partnership, or proprietorship), this signer of the application shall be an officer, partner, or the proprietor.

(4) The letter of application for a waiver shall be accompanied by:

(a) A copy of the results of the medical examination performed pursuant to WAC 446-55-180;

(b) A copy of the medical certificate completed pursuant to WAC 446-55-180(5);

(c) A medical evaluation summary completed by either a board-qualified or board-certified physiatrist (doctor of physical medicine) or orthopedic surgeon;

NOTE: The coapplicant private carrier or the driver applicant shall provide the physiatrist or orthopedic surgeon with a description of the job tasks the driver applicant will be required to perform.

(i) If the medical evaluation summary applies to a driver applicant disqualified under WAC 446-55-170 (2)(a), the summary shall include an assessment of the driver's functional capabilities as they relate to the driver's ability to perform normal tasks associated with operating a motor vehicle; or

(ii) If the medical evaluation summary applies to a driver applicant disqualified under WAC 446-55-170 (2)(b), the summary shall include an explanation as to how and why the impaired area interferes with the driver's ability to perform normal tasks associated with operating a motor vehicle. The summary shall also contain an assessment of whether the condition will likely remain medically stable over the driver applicant's lifetime;

(d) A description of the driver applicant's prosthetic or orthotic device worn, if any, by the driver applicant;

(e) Road test:

(i) A copy of the driver applicant's road test administered by the private carrier coapplicant and the certificate issued pursuant to WAC 446-55-120 (2) through (7); or

(ii) A unilateral applicant shall be responsible for having a road test administered by a private carrier or a person who is competent to administer the test and evaluate its results;

(f) Application for employment:

(i) A copy of the driver applicant's application for employment completed pursuant to WAC 446-55-080; or

(ii) A unilateral applicant shall be responsible for submitting a copy of the last commercial or private driving position's employment application he or she held. If not previously employed as a commercial or private driver, so state;

(g) A copy of the driver applicant's waiver of certain physical defects issued by the individual state(s), where applicable; and

(h) A copy of the driver applicant's state motor vehicle driving record for the past 3 years from each state in which a motor vehicle driver's license or permit has been obtained.

(5) Agreement. A private carrier that employs a driver with a waiver agrees to:

(a) File promptly (within 30 days) with the chief of the Washington state patrol such documents and information as may be required about driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the driver applicant. This applies whether the driver's waiver is a unilateral one or has a coapplicant private carrier;

(b) Evaluate the driver with a road test using the trailer the private carrier intends the driver to transport or, in lieu of, accept a certificate of a trailer road test from another private carrier if the trailer type(s) is similar or accept the trailer road test done during the skill performance evaluation if it is a similar trailer type(s) to that of the prospective private carrier;

NOTE: Job tasks, as stated in subsection (5)(c) of this section, are not evaluated in the skill performance evaluation.

(c) Evaluate the driver for those nondriving safety-related job tasks associated with whatever type of trailer(s) will be used and any other nondriving safety-related or job-related tasks unique to the operations of the employing private carrier; and

(d) Use the driver to operate the type of motor vehicle defined in the waiver only when the driver is in compliance with the conditions and limitations of the waiver.

(6) The driver shall supply each employing private carrier with a copy of the waiver.

(7) The chief of the Washington state patrol or his designee may require the driver applicant to demonstrate his or her ability to safely operate the motor vehicle(s) the driver intends to drive to a designated member of the state patrol. The waiver form will identify the power

unit (bus, truck, truck-tractor) for which the waiver has been granted. The waiver forms will also identify the trailer type used in the skill performance evaluation; however, the waiver is not limited to that specific trailer type. A driver may use the waiver with other trailer types if a successful trailer road test is completed in accordance with subsection (5)(b) of this section. Job tasks, as stated in subsection (5)(c) of this section, are not evaluated during the skill performance evaluation.

(8) The chief or his designee may deny the application for waiver or may grant it totally or in part and issue the waiver subject to such terms, conditions, and limitations as deemed consistent with the public interest. A waiver is valid for a period not to exceed 2 years from date of issue, and may be renewed 30 days prior to the expiration date.

(9) The waiver renewal application shall be submitted to: Chief of the Washington State Patrol, State Patrol Headquarters, General Administration Building, Olympia, WA 98504. The waiver renewal application shall contain the following:

- (a) Name and complete address of private carrier currently employing the applicant;
- (b) Name and complete address of the driver;
- (c) Effective date of the current waiver;
- (d) Expiration date of the current waiver;
- (e) Total miles driven under the current waiver;
- (f) Number of accidents incurred while driving under the current waiver, including date of the accident(s), number of fatalities, number of injuries, and the estimated dollar amount of property damage;
- (g) A current medical examination report;
- (h) A medical evaluation summary pursuant to subsection (4)(c) of this section if an unstable medical condition exists. All handicapped conditions classified under WAC 446-55-170 (2)(a) are considered unstable.

NOTE: Refer to subsection (4)(c)(ii) of this section for the condition under WAC 446-55-170 (2)(b) which may be considered medically stable.

- (i) A copy of driver's current state motor vehicle driving record for the period of time the current waiver has been in effect;
- (j) Notification of any change in the type of tractor the driver will operate;
- (k) Driver's signature and date signed; and
- (l) Private carrier coapplicant's signature and date signed.

(10) Upon granting a waiver, the chief of the Washington state patrol or his designee will notify the driver applicant and coapplicant private carrier (if applicable) by letter. The terms, conditions, and limitations of the waiver will be set forth. A private carrier shall maintain a copy of the waiver in its driver qualification file. A copy of the waiver shall be retained in the private carrier's file for a period of 3 years after the driver's employment is terminated. The driver applicant shall have the waiver (or a legible copy) in his/her possession whenever on duty.

(11) The chief of the Washington state patrol or his designee may revoke a waiver after the person to whom it was issued is given notice of the proposed revocation

and has been allowed a reasonable opportunity to appeal.

Falsifying information in the letter of application, the renewal application, or falsifying information required by this section by either the applicant or private carrier is prohibited.

#### NEW SECTION

✓ WAC 446-55-220 DRIVER QUALIFICATION FILES. (1) Each private carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his personnel file.

(2) The qualification file for a driver who has been a regularly employed driver of the private carrier for a continuous three-year period prior to the effective date of this rule, must include:

- (a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;
- (b) The chief of the Washington state patrol's or his designee's letter granting a waiver of a physical disqualification, if a waiver was issued under WAC 446-55-210;
- (c) The note relating to the annual review of his driving record required by WAC 446-55-100;
- (d) The list or certificate relating to violations of motor vehicle laws and ordinances required by WAC 446-55-110; and
- (e) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(3) The qualification file for a regularly employed driver who has not been regularly employed by the private carrier for a continuous three-year period prior to the effective date of this rule, must include:

- (a) The documents specified in subsection (2) of this section;
- (b) The driver's application for employment completed in accordance with WAC 446-55-080;
- (c) The responses of state agencies and past employers to the private carrier's inquiries concerning the driver's driving record and employment pursuant to WAC 446-55-090;
- (d) The certificate of driver's road test issued to the driver pursuant to WAC 446-55-120(5), or a copy of the license or certificate which the private carrier accepted as equivalent to the driver's road test pursuant to WAC 446-55-130; and
- (e) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to WAC 446-55-140, or a copy of a certificate which the private carrier accepted as equivalent to a written examination pursuant to WAC 446-55-160.

(4) The qualification file for an intermittent, casual, or occasional driver employed under the rules in WAC 446-55-250 must include:

- (a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;
- (b) The certificate of driver's road test issued to the driver pursuant to WAC 446-55-120(5), or a copy of



the license or certificate which the private carrier accepted as equivalent to the driver's road test pursuant to WAC 446-55-120;

(c) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to WAC 446-55-140, or a copy of a certificate which the private carrier accepted as equivalent to a written examination pursuant to WAC 446-55-160; and

(d) The driver's name, his social security number, and the identification number, type, and issuing state of his motor vehicle operator's license.

(5) A using carrier's qualification file for a driver who is regularly employed by another private carrier, and who is employed by the using carrier in accordance with WAC 446-55-260, shall include a copy of a certificate, as prescribed by WAC 446-55-260 (1)(b), by the regularly employing carrier that the driver is fully qualified to drive a motor vehicle.

(6) Except as provided in subsections (7) and (8) of this section, each driver's qualification file shall be kept at the private carrier's principal place of business for as long as a driver is employed by that private carrier and for 3 years thereafter.

(7) Upon a written request to and with the approval of the chief of the Washington state patrol or his designee, the carrier may retain one or more of its drivers' qualification files at a regional or terminal office.

(8) The following records may be removed from a driver's qualification file after 3 years from date of execution:

(a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or the photographic copy of the certificate as required by WAC 446-55-180(4);

(b) The note relating to the annual review of his driving record as required by WAC 446-55-100;

(c) The list or certificate relating to violations of motor vehicle laws and ordinance as required by WAC 446-55-110;

(d) The letter issued under WAC 446-55-210 granting a waiver of a physical disqualification.

#### NEW SECTION

✓ WAC 446-55-230 DRIVERS WHO WERE REGULARLY EMPLOYED FOR A CONTINUOUS THREE-YEAR PERIOD PRIOR TO THE EFFECTIVE DATE OF THIS RULE. The provisions of WAC 446-55-080 (relating to applications for employment), WAC 446-55-090 (relating to investigations and inquiries), WAC 446-55-120 (relating to road tests), and WAC 446-55-140 (relating to written examinations) do not apply to a driver who has been a regularly employed driver (as defined in WAC 446-60-020(6)) of a private carrier for a continuous three-year period prior to the effective date of this rule, as long as he continues to be a regularly employed driver of that private carrier. Such a driver is qualified to drive a motor vehicle if he fulfills the requirements of WAC 446-55-060 (2)(a) through (i) (relating to qualifications of drivers).

#### NEW SECTION

✓ WAC 446-55-240 DRIVERS OF LIGHT-WEIGHT VEHICLES. (1) The following rules in this chapter do not apply to a person who drives only a lightweight vehicle as defined in WAC 446-55-030(5).

(a) WAC 446-55-080 through 446-55-110 (relating to disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers);

(b) WAC 446-55-120 through 446-55-160 (relating to road tests and written examinations);

(c) So much of WAC 446-55-170, 446-55-180, and 446-55-190 as require a driver to be medically examined, to obtain a certificate of medical examination, and to carry a medical examiner's certificate on his person;

(d) WAC 446-55-220 (relating to maintenance of files and records).

(2) A person who is qualified to drive a motor vehicle under the rules in this chapter and chapter 46.20 RCW may drive a lightweight vehicle.

#### NEW SECTION

✓ WAC 446-55-250 INTERMITTENT, CASUAL, OR OCCASIONAL DRIVERS. (1) If a private carrier employs a person who is not a regularly employed driver (as defined in WAC 446-60-020(6)) to drive a motor vehicle for a single trip or on an intermittent, casual, or occasional basis, the private carrier shall comply with all requirements of this chapter, except that the private carrier need not:

(a) Require the person to furnish an application for employment in accordance with WAC 446-55-080;

(b) Make the investigations and inquiries specified in WAC 446-55-090 with respect to that person;

(c) Perform the annual review of the person's driving record required by WAC 446-55-100; or

(d) Require the person to furnish a record of violations or a certificate in accordance with WAC 446-55-110.

(2) Before a private carrier permits a person described in subsection (1) of this section to drive a motor vehicle, the private carrier must obtain his name, his social security number, and the identification number, type and issuing state of his motor vehicle operator's license. The private carrier must retain that information in its files for 3 years after the person's employment by the private carrier ceases.

#### NEW SECTION

✓ WAC 446-55-260 DRIVERS FURNISHED BY OTHER MOTOR CARRIERS. (1) A private carrier may employ a driver who is not a regularly employed driver of that private carrier without complying with the generally applicable driver qualification file requirements in this chapter, if:

(a) The driver is regularly employed by another motor carrier; and

(b) The motor carrier which regularly employs the driver certifies that the driver is fully qualified to drive a motor vehicle in a written statement which:

- (i) Is signed and dated by an officer or authorized employee of the regularly employing carrier;
- (ii) Contains the driver's name and signature;
- (iii) Certifies that the driver has been employed regularly to drive, as defined in WAC 446-55-030(3) or Part 391.3(c) of the Code of Federal Regulations;
- (iv) Certifies that the driver is fully qualified to drive a motor vehicle under WAC 446-55-010 through 446-55-280 or Part 391 of the Code of Federal Regulations;
- (v) States the expiration date of the driver's medical examiner's certificate;
- (vi) Specifies an expiration date for the certificate, which shall be not longer than 2 years or, if earlier, the expiration date of the driver's current medical examiner's certificate; and
- (vii) After the effective date of this rule, is substantially in accordance with the following form:

\_\_\_\_\_ (Name of driver)

\_\_\_\_\_ (SS No.)

\_\_\_\_\_ (Signature of driver)

I certify that the above-named driver as defined in 391.3(c) of the Code of Federal Regulations or WAC 446-55-030(3) is regularly driving a vehicle operated by the below-named carrier and is fully qualified under Part 391, Federal Motor Carrier Safety Regulations or WAC 446-55-010 through 446-55-280. His current medical examiner's certificate expires on \_\_\_\_\_ (Date)

This certificate expires:

\_\_\_\_\_ (Date not later than expiration date of medical certificate)

Issued on \_\_\_\_\_ (date) Issued by \_\_\_\_\_ (Name of carrier)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Title)

(2) A private carrier that obtains a certificate in accordance with subsection (1)(b) of this section shall retain a copy of that certificate in its files for 3 years.

(3) A carrier which certifies a driver's qualifications under this section shall:

- (a) Be responsible for the accuracy of the certificate; and
- (b) Recall the unexpired certificate carried by a driver immediately upon learning that the driver is no longer qualified under the rules in this chapter.

**NEW SECTION**

✓ WAC 446-55-270 DRIVERS OF ARTICULATED (COMBINATION) FARM VEHICLES. The following rules in this chapter do not apply to a farm

vehicle driver (as defined in WAC 446-55-030(4)) who drives an articulated motor vehicle:

- (1) WAC 446-55-060 (2)(g), (i), (j), and (k) (relating to driver qualifications in general).
- (2) WAC 446-55-080 through 446-55-110 (relating to disclosure of, investigation into, and inquiries about the background, character, and driving record of drivers).
- (3) WAC 446-55-120 through 446-55-160 (relating to road tests and written examinations).
- (4) So much of WAC 446-55-170 and 446-55-190 as require a driver to be medically examined and to have a medical examiner's certificate on his person.
- (5) WAC 446-55-220 (relating to maintenance of files and records).

**NEW SECTION**

✓ WAC 446-55-280 INTRASTATE DRIVERS OF VEHICLES TRANSPORTING COMBUSTIBLE LIQUIDS. (1) The provisions of WAC 446-55-080 (relating to application for employment), WAC 446-55-090 (relating to investigations and inquiries), WAC 446-55-120 (relating to road test), and WAC 446-55-140 (relating to written examination) do not apply to a driver who is otherwise qualified and was a regularly employed driver (as defined in WAC 446-60-020(6)) for a continuous three-year period prior to the effective date of this rule, and continues to be a regularly employed driver of that motor carrier and who drives a motor vehicle that is transporting combustible liquids (as defined in subchapter 173.115 of the Code of Federal Regulations).

- (2) In addition to the exemptions provided in subsection (1) of this section, the provisions of WAC 446-55-170 (2)(j) (relating to minimum visual requirements), do not apply to a driver who was a regularly employed driver (as defined in WAC 446-60-020(6)) for a continuous three-year period prior to the effective date of this rule, and continues to be a regularly employed driver of that motor carrier and who drives a vehicle that:
- (a) Is a truck;
  - (b) Is operated in retail delivery service;
  - (c) Is transporting combustible liquids.

Chapter 446-60 WAC  
**PRIVATE CARRIER REGULATIONS—HOURS OF SERVICE OF DRIVERS**

WAC	
446-60-010	Compliance with, knowledge of, and interpretation of, the rules in this chapter.
446-60-020	Definitions.
446-60-030	Maximum driving and on-duty time.
446-60-040	Travel time.
446-60-050	Driver's record of duty status.
446-60-060	Adverse driving conditions.
446-60-070	Emergency conditions.
446-60-080	Relief from regulations.
446-60-090	Drivers declared out of service.

NEW SECTION

✓ WAC 446-60-010 COMPLIANCE WITH, KNOWLEDGE OF, AND INTERPRETATION OF, THE RULES IN THIS CHAPTER. General. (1) Every private carrier and its officers, drivers, agents, employees, and representatives shall comply with the rules in this chapter, and every motor carrier shall require that its officers, drivers, agents, employees, and representatives be conversant with the rules in this chapter.

(2) The rules in this chapter shall be interpreted by the chief or his designee and when applicable shall be consistent with the federal interpretation of Part 395 of the Code of Federal Regulations as documented in the Federal Highway Administration, Department of Transportation, Federal Motor Carrier Safety Regulations, Interpretations.

NEW SECTION

✓ WAC 446-60-020 DEFINITIONS. As used in this chapter, the following words and terms are construed to mean:

(1) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee, or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith. The term "private carrier" includes a private carrier and the agents, officers, representatives, and employees of a private carrier who are responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

(2) A private carrier "employs" a person as a driver within the meaning of this chapter whenever it requires or permits that person to drive a motor vehicle (whether or not the vehicle is owned by the private carrier) in furtherance of the business of the private carrier.

(3) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(4) "Contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in subsections (1) and (3) of this section, and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(5) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(6) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as herein defined.

(7) The term "chief" means the chief of the Washington state patrol.

(8) On-duty time. All time from the time a driver begins to work or is required to be in readiness to work

until the time he is relieved from work and all responsibility for performing work. The term "on-duty" time shall include:

(a) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the private carrier;

(b) All time inspecting, servicing, or conditioning any motor vehicle at any time;

(c) All driving time as defined in subsection (9) of this section;

(d) All time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth as defined in subsection (14) of this section;

(e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(f) All time spent performing the driver requirements relating to accidents;

(g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;

(h) Performing any other work in the capacity of, or in the employ or service of, a private motor carrier.

(9) Driving time. The terms "drive" and "driving time" shall include all time spent at the driving controls of a motor vehicle in operation.

(10) Seven consecutive days. The term "7 consecutive days" means the period of 7 consecutive days beginning on any day at the time designated by the private carrier for a 24-hour period.

(11) Eight consecutive days. The term "8 consecutive days" means the period of 8 consecutive days beginning on any day at the time designated by the private carrier for a 24-hour period.

(12) Twenty-four hour period. The term "24-hour period" means any 24 consecutive hour period beginning at the time designated by the private carrier for the terminal from which the driver is normally dispatched.

(13) Regularly employed driver. The term "regularly employed driver" means a driver who in any period of 7 consecutive days is employed or used as a driver solely by a single motor carrier.

(14) Sleeper berth. The term "sleeper berth" means a berth conforming to the requirements of 49 CFR part 393.76.

(15) Driver-salesman. The term "driver-salesman" means any employee who is employed solely as such by a private carrier of property by motor vehicle, who is engaged both in selling goods, services, or the use of goods, and in delivering by motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which he reports for duty, who devotes not more than 50 percent of his hours on duty to driving time. The term "selling goods" for purposes of this subsection shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

(16) Multiple stops. All stops made in any one village, town, or city may be computed as one.

(17) Principal place of business or main office address. The principal place of business or main office address is the geographic location designated by the private carrier where the records required to be maintained by this chapter will be made available for inspection.

#### NEW SECTION

✓ WAC 446-60-030 MAXIMUM DRIVING AND ON-DUTY TIME. (1) Except as provided in subsections (3) and (4) of this section and in WAC 446-60-060, no private carrier shall permit or require any driver used by it to drive nor shall any such driver drive:

(a) More than 10 hours following 8 consecutive hours off duty; or

(b) For any period after having been on duty 15 hours following 8 consecutive hours off duty;

(c) Exemption: Drivers using sleeper berth equipment as defined in WAC 446-60-020(6), or who are off duty at a natural gas or oil well location, may cumulate the required 8 consecutive hours off duty resting in a sleeper berth in two separate periods totaling 8 hours, neither period to be less than 2 hours, or resting while off duty in other sleeping accommodations at a natural gas or oil well location.

(2) Except as provided in subsection (5) of this section, no private carrier shall permit or require any driver used by it to be on duty, nor shall any such driver be on duty, more than 60 hours in any 7 consecutive days as defined in WAC 446-60-020(3) regardless of the number of motor carriers using the driver's services: PROVIDED, That carriers operating vehicles every day in the week may permit drivers to remain on duty for a total of not more than 70 hours in any period of 8 consecutive days: PROVIDED FURTHER, That the limitations of this subsection shall not apply with respect to any driver-salesman whose total driving time does not exceed 40 hours in any 7 consecutive days: AND PROVIDED FURTHER, That private carriers operating log trucks, dump trucks and those persons engaged in agricultural pursuits, as defined in RCW 46.04.182, will be permitted to drive a total of 12 hours in any given 24-hour period, as designated by the owner, inclusive of on-duty time: AND PROVIDED FURTHER, That the total driving time and on-duty time will not exceed 90 hours in any 8 consecutive days.

(3) The provisions of subsection (1) of this section shall not apply with respect to drivers used wholly in driving motor vehicles having not more than 2 axles and whose gross weight does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Hazardous Materials Regulations, subchapter 177.823 of the Code of Federal Regulations, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations: PROVIDED, That this section shall not apply with respect to drivers of motor vehicles engaged solely in making deliveries for

retail stores during the period from December 10 to December 25, both inclusive, of each year.

(4) In the instance of drivers of motor vehicles used exclusively in the transportation of oil field equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operations of the natural gas and oil industry, any period of 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

#### NEW SECTION

✓ WAC 446-60-040 TRAVEL TIME. When a driver at the direction of a private carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he shall be considered off duty for the entire period.

#### NEW SECTION

✓ WAC 446-60-050 DRIVER'S RECORD OF DUTY STATUS. (1) Every private carrier shall require every driver used by the private carrier to record his/her duty status, in duplicate, for each 24-hour period. Every driver who operates a motor vehicle shall record his/her duty status, in duplicate, for each 24-hour period. The duty status time shall be recorded on a specified grid, as shown in subsection (7) of this section. The grid and the requirements of subsection (4) of this section may be combined with any company forms.

(2) The duty status shall be recorded as follows:

(a) "Off duty" or "OFF";

(b) "Sleeper berth" or "SB" (only if a sleeper berth used);

(c) "Driving" or "D";

(d) "On-duty not driving" or "ON."

(3) For each change of duty status (e.g., the place of reporting for work, starting to drive, on-duty not driving and where released from work), the name of the city, town, or village, with state abbreviation, shall be recorded.

NOTE: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (a) The highway number and nearest milepost followed by the name of the nearest city, town, or village and state abbreviation, (b) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and state abbreviation, or (c) the highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and state abbreviation.

(4) The following information must be included on the form in addition to the grid:

(a) Date;

(b) Total miles driving today;

(c) Truck or tractor number;

(d) Name of carrier;

(e) Driver's signature/certification;

(f) 24-hour period starting time (e.g. midnight, 9:00 a.m., noon, 3:00 p.m.);

- (g) Main office address;
  - (h) Remarks;
  - (i) Total mileage today;
  - (j) Name of co-driver;
  - (k) Home terminal address;
  - (l) Total hours (far right edge of grid);
  - (m) Shipping document number(s), or name of shipper and commodity;
  - (n) Origin; and
  - (o) Destination or turnaround points.
- (5) Failure to complete the record of duty activities, failure to preserve a record of such duty activities, or making of false reports in connection with such duty activities as prescribed herein shall make the driver and/or the carrier liable to prosecution.

(6) The driver's activities shall be recorded in accordance with the following provisions:

(a) Entries to be current. Drivers shall keep their record of duty status current to the time shown for the last change of duty status.

(b) Entries made by driver only. All entries relating to driver's duty status must be legible and in the driver's own handwriting.

(c) Date. The month, day, and year for the beginning of each 24-hour period shall be shown on the form containing the driver's duty status record.

(d) Total mileage driven. Total mileage driven during the 24-hour period shall be recorded on the form containing the driver's duty status record.

(e) Vehicle identification. The carrier's vehicle number or state and license number of each truck, truck tractor, and trailer operated during that 24-hour period shall be shown on the form containing the driver's duty status record.

(f) Name of carrier. The name(s) of the private carrier or other motor carrier(s) for which work is performed shall be shown on the form containing the driver's duty status record. When work is performed for more than one motor carrier during the same 24-hour period, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the motor carrier performing the transportation.

(g) Signature/certification. The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record. The driver's signature certifies that all entries required by this section made by the driver are true and correct.

(h) Time base to be used. (i) The driver's duty status record shall be prepared, maintained, and submitted using the time standard in effect at the driver's home terminal, for a 24-hour period beginning with the time specified by the private carrier for that driver's home terminal.

(ii) The term "7 or 8 consecutive days" means the 7 or 8 consecutive 24-hour periods as designated by the private carrier for the driver's home terminal.

(iii) The 24-hour period starting time must be identified on the driver's duty status record. One-hour increments must appear on the graph, be identified, and preprinted. The words "midnight" and "noon" must appear above or beside the appropriate one-hour increment.

(i) Main office address. The private carrier's main office address shall be shown on the form containing the driver's duty status record.

(j) Recording days off duty. Two or more consecutive 24-hour periods off duty may be recorded on one duty status record.

(k) Total mileage today. Total mileage today shall be that mileage traveled while driving, on duty not driving, and resting in a sleeper berth, as defined in WAC 446-60-020(7) during the day covered by the record of duty status.

(l) Home terminal. The driver's home terminal address shown shall be that at which the driver normally reports for duty.

(m) Total hours. The total hours in each duty status: Off duty other than in a sleeper berth; off duty in a sleeper berth; driving, and on duty not driving, shall be entered to the right of the grid, the total of such entries shall equal 24 hours.

(n) Shipping document number(s), or name of shipper and commodity shall be shown on the driver's record of duty status.

(o) Origin and destination. The name of the place where a trip begins and the final destination or farthest turn-around point shall be shown. If the trip requires more than 1 calendar day, the record of duty status for each day shall show the original and final destination. If a driver departs from and returns to the same place on any day, the destination shall be indicated by entering the farthest point reached followed by the words "and return."

(7) Graph grid. The following graph grid must be incorporated into a private carrier recordkeeping system which must also contain the information required in subsection (4) of this section.

Graph Grid - Horizontally

Graph Grid - Vertically

(8) Graph grid preparation. The graph grid may be used horizontally or vertically and shall be completed as follows:

(a) Off duty. Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period(s) of time when the driver is not on duty, is not required to be in readiness to work, or is not under any responsibility for performing work.

(b) Sleeper berth. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time off duty resting in a sleeper berth, as defined in WAC 446-60-020(14). (If a nonsleeper berth operation, sleeper berth need not be shown on the grid.)

(c) Driving. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty driving a motor vehicle, as defined in WAC 446-60-020(9).

(d) On duty not driving. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty not driving specified in WAC 446-60-020(8).

(e) Location—Remarks. The name of the city, town, or village, with state abbreviation where each change of duty status occurs shall be recorded.

NOTE: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (i) The highway number and nearest milepost followed by the name of the nearest city, town, or village and state abbreviation, (ii) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and state abbreviation, or (iii) the highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and state abbreviation.

(9) Filing driver's record of duty status. The driver shall submit or forward by mail the original driver's record of duty status to the regular employing private carrier within 13 days following the completion of the form.

(10) Drivers used by more than one motor carrier.  
 (a) When the services of a driver are used by more than one motor carrier during any 24-hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier. The record shall include:

- (i) All duty time for the entire 24-hour period;
- (ii) The name of each motor carrier served by the driver during that period; and
- (iii) The beginning and finishing time, including a.m. or p.m., worked for each carrier.

(b) Private carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the private carriers.

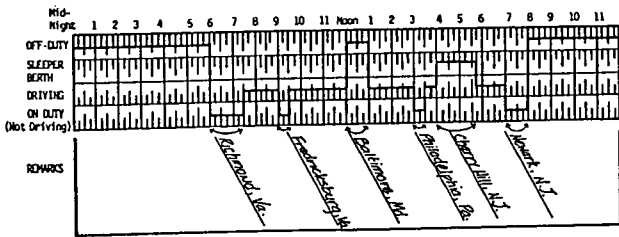
(11) Retention of driver's record of duty status. (a) Driver's records of duty status for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month. Such records shall then be forwarded to the private carrier's principal place of business where they shall be retained with all supporting documents for a period of 6 months from date of receipt.

(b) Exception. Upon written request to, and with the approval of, the chief of the Washington state patrol or his designee, a private carrier may forward and maintain such records at a regional or terminal office. The address to mail the written request to is: Chief of the Washington State Patrol, State Patrol Headquarters, General Administration Building, Olympia, WA 98504.

(c) The driver shall retain a copy of each record of duty status for the previous 7 consecutive days which shall be in his/her possession and available for inspection while on duty.

NOTE: Driver's record of duty status. The graph grid, when incorporated as part of any form used by a private carrier, must be of sufficient size to be legible.

The following executed specimen grid illustrates how a driver's duty status should be recorded for a trip from Richmond, Virginia, to Newark, New Jersey. The grid reflects the midnight to midnight 24-hour period.



Graph Grid (Midnight to Midnight Operation)

The driver in this instance reported for duty at the motor carrier's terminal. The driver reported for work at 6 a.m., helped load, checked with dispatch, made a pretrip inspection, and performed other duties until 7:30 a.m. when the driver began driving. At 9 a.m. the driver had a minor accident in Fredericksburg, Virginia, and spent one-half hour handling details with the local police. The driver arrived at the company's Baltimore, Maryland, terminal at noon and went to lunch while minor repairs were made to the tractor. At 1 p.m. the driver resumed the trip and made a delivery in Philadelphia, Pennsylvania, between 3 p.m. and 3:30 p.m. at which time the driver started driving again. Upon arrival at Cherry Hill, New Jersey, at 4 p.m., the driver entered the sleeper berth for a rest break until 5:45 p.m. at which time the driver resumed driving again. At 7 p.m. the driver arrived at the company's terminal in Newark, New Jersey. Between 7 p.m. and 8 p.m. the driver prepared the required paperwork including completing the driver's record of duty status, vehicle condition report, insurance report for the Fredericksburg, Virginia accident, checked for the next day's dispatch, etc. At 8 p.m., the driver went off duty.

(12) Exemptions. (a) 100-air mile radius driver. A driver is exempt from the requirements of this section if:

- (i) \* \* \*
- (ii) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 hours;
- (iii) At least 8 consecutive hours off duty separate each 12 hours on duty;
- (iv) The driver had 8 consecutive hours off duty prior to reporting for duty;
- (v) The driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty;
- (vi) The private carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
  - (A) The time the driver reports for duty each day;
  - (B) The total number of hours the driver is on duty each day;
  - (C) The time the driver is released from duty each day; and
  - (D) The total time for the preceding 7 days in accordance with subsection (10)(b) of this section for drivers used for the first time or intermittently.

(b) Drivers of lightweight vehicles. The rules in this section do not apply to a driver of a lightweight vehicle as defined in subchapter 390.17 of the Code of Federal Regulations.

NEW SECTION

✓ WAC 446-60-060 ADVERSE DRIVING CONDITIONS. (1) A driver who encounters adverse driving conditions (as defined in subsection (2) of this section) and cannot, because of those conditions, safely complete the run within the 10-hour maximum driving time permitted by WAC 446-60-030(1) may drive and be permitted or required to drive a motor vehicle for not more than 2 additional hours in order to complete that run or to reach a place offering safety for vehicle occupants and security for the vehicle and its cargo. However, that driver may not drive or be permitted or required to drive:

- (a) For more than 12 hours in the aggregate following 8 consecutive hours off duty; or
  - (b) After he has been on duty 15 hours following 8 consecutive hours off duty.
- (2) "Adverse driving conditions" means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.

NEW SECTION

✓ WAC 446-60-070 EMERGENCY CONDITIONS. In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run could reasonably have been completed without such violation.

NEW SECTION

✓ WAC 446-60-080 RELIEF FROM REGULATIONS. These regulations shall not apply to any private carrier subject thereto when transporting passengers or property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster.

NEW SECTION

✓ WAC 446-60-090 DRIVERS DECLARED OUT OF SERVICE. (1) Authority to declare drivers out of service. All commissioned officers and commercial vehicle enforcement officers of the Washington state patrol are authorized by the chief of the Washington state patrol to declare a driver out of service and to notify the private carrier of that declaration, upon finding at the time and place of examination that the driver has violated the out of service criteria as set forth in subsection (2) of this section.

(2) Out of service criteria. (a) No driver shall drive after being on duty in excess of the maximum periods permitted by this chapter.

(b) No driver required to maintain a record of duty status under WAC 446-60-050 shall fail to have a record of duty status current on the day of examination and for the prior 7 consecutive days.

(c) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.

(3) Responsibilities of private carriers. No private carrier shall:

(a) Require or permit a driver who has been declared out of service to operate a motor vehicle until that driver may lawfully do so under the rules in this chapter.

(b) Require a driver who has been declared out of service for failure to prepare a record of duty status to operate a motor vehicle until that driver has been off duty for 8 consecutive hours and is in compliance with this chapter. The consecutive 8-hour off-duty period may include sleeper berth time.

(4) Responsibilities of the driver. (a) No driver who has been declared out of service shall operate a motor vehicle until that driver may lawfully do so under the rules of this chapter.

(b) No driver who has been declared out of service, for failing to prepare a record of duty status, shall operate a motor vehicle until the driver has been off duty for 8 consecutive hours and is in compliance with this chapter.

(c) A driver to whom a form has been tendered declaring the driver out of service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by the private carrier to receive it.

(d) This section does not alter the hazardous materials requirements prescribed in subchapter 397.5 of the Code of Federal Regulations pertaining to attendance and surveillance of motor vehicles.

### WSR 86-08-068

#### ADOPTED RULES

#### DEPARTMENT OF LICENSING

#### (Veterinary Board of Governors)

[Order PL 584—Filed April 1, 1986]

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

New WAC 308-151-110 Examination review procedures.  
New WAC 308-156-075 Examination review procedures.

This action is taken pursuant to Notice No. WSR 86-05-033 filed with the code reviser on February 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.92.030 which directs that the Washington State Veterinary Board of Governors has authority to implement the provisions of chapter 18.92 RCW.

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

APPROVED AND ADOPTED March 25, 1986.

By Randolph C. Valentine  
Chairman

#### NEW SECTION

✓ WAC 308-151-110 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the Washington state examination for licensure as a veterinarian and does not pass the Washington state examination section may request review by the Board of his or her examination results. This request must be in writing and must be received by the Board within thirty (30) days of notification of the examination results. The request must state the reason or reasons the applicant feels the results of the examination should be changed. The Board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a license. The Board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(2) Any applicant who is not satisfied with the result of the examination review may appeal the Board's decision and may request a formal hearing to be held before the Board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty (20) days of receipt of the result of the Board's review of the examination results. The board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a license.

#### NEW SECTION

✓ WAC 308-156-075 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the examination for registration as an animal technician and does not pass the examination may request review by the Board of his or her examination results. This request must be in writing and must be received by the Board within thirty (30) days of notification of the examination results. The request must state the reason or reasons the applicant feels the results of the examination should be changed. The Board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a registration. The Board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;



(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(2) Any applicant who is not satisfied with the result of the examination review may appeal the Board's decision and may request a formal hearing to be held before the Board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty (20) days of receipt of the result of the Board's review of the examination results. The Board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a registration.

**WSR 86-08-069**  
ADOPTED RULES  
**DEPARTMENT OF LICENSING**  
[Order 86-1—Filed April 1, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, Olympia, Washington 98504, the annexed rules relating to Requirements for checks in payment of licenses, certificates, etc.—Penalty, WAC 308-04-010. These rules set guidelines and requirements for the acceptance of checks and indicate penalties for makers of NSF checks.

This action is taken pursuant to Notice No. WSR 86-04-090 filed with the code reviser on February 5, 1986. 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 46.01.230 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 25, 1986.

By T. A. Aragon  
Director

**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 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 re-deposited 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 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 86-08-070**  
ADOPTED RULES  
**OFFICE OF THE GOVERNOR**  
[Order 86-1—Filed April 1, 1986]

I, Terry Sebring, legal counsel for the Office of the Governor, do promulgate and adopt at the Legislative Building, 2nd Floor, Olympia, Washington, the annexed rules relating to the addition of a new section, Determination of eligibility—Procedure for reconsideration, to existing chapter 240-10 WAC, state employee combined charitable contributions program; plus amendments to the following existing sections of chapter 240-10 WAC, state employee combined charitable contributions program, WAC 240-10-010(9), 240-10-030 (6)(g) and 240-10-040 (1)(d).

This action is taken pursuant to Notice No. WSR 86-05-023 filed with the code reviser on February 14, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.04.035, 41.04.036 and 41.04.230 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 April 1, 1986.

By Terry Sebring  
Legal Counsel

AMENDATORY SECTION (Amending Order 85-2, filed 12/23/85)

✓ WAC 240-10-010 COMMITTEE ESTABLISHED. (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Executive Orders EO 84-13 and EO 84-15 a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington state employee combined fund drive committee.

(3) The committee shall be composed of not more than eight state employees appointed by the governor for three year terms, except that the terms of those first appointed shall be staggered with two persons appointed for one year, three persons appointed for two years, and three persons appointed for three years, as determined by the governor. The members shall be selected from the following groups:

- (a) One member from an employee organization;
- (b) One member from the legislative branch;
- (c) One member from the judicial branch;
- (d) Three members from state agencies;
- (e) Two members from higher education.

(4) The committee shall elect a chairperson annually, and such other officers as may be needed.

(5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.

(6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 240-10-040 and 240-10-050).

(8) The committee shall annually print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

(10) The committee may establish departmental combined fund drive coordinators, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.

(11) The department of personnel shall provide the administrative support for the operation of the committee.

(12) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.

AMENDATORY SECTION (Amending Order 85-2, filed 12/23/85)

✓ WAC 240-10-030 DEFINITIONS. (1) Committee - The Washington state employee combined fund drive committee described in WAC 240-10-010.

(2) State employee combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees conducted annually in the month of October to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services directly to, and for the direct benefit of, human beings:

- (a) Delivery of health care to ill or infirm individuals;
- (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;
- (c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to physically and mentally handicapped individuals;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and

shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly.

(7) Local presence – Demonstration of direct and substantial presence in the local campaign community:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.

(b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) Overseas – Areas outside of the District of Columbia and the fifty states of the United States.

#### AMENDATORY SECTION (Amending Order 85-2, filed 12/23/85)

✓ WAC 240-10-040 BASIC STANDARDS AND CRITERIA FOR AGENCY MEMBERSHIP APPLICABLE TO ALL AGENCIES. (1) Basic standards.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501(c)(3). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of

commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to ~~((an independent certified public accountant))~~ the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active local volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate: PROVIDED, That the "local volunteer board" is exempted for those voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and which meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community.

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: PROVIDED, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all

the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

#### NEW SECTION

✓ WAC 240-10-055 DETERMINATION OF ELIGIBILITY—PROCEDURE FOR RECONSIDERATION. Using the information supplied under this chapter and the standards set forth in WAC 240-10-040 and 240-10-050, the committee will determine which agencies and which federated organizations are eligible to participate in annual state employee combined fund drive campaigns. Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.

For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.

#### WSR 86-08-071

##### EMERGENCY RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-21—Filed April 1, 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 construction standards for factory-built housing, WAC 296-150A-300.

I, Richard A. Davis, 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 State Energy Code becomes effective April 1, 1986. This conforms factory-built structures with the current State Energy Code.

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

This rule is promulgated pursuant to RCW 43.22.475 and 43.22.480 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 April 1, 1986.

By Richard A. Davis  
Director

#### AMENDATORY SECTION (Amending Order 85-1, filed 2/15/85)

WAC 296-150A-300 CONSTRUCTION STANDARDS FOR FACTORY-BUILT STRUCTURES. Factory-built structures must comply with the following codes, except where a state law supersedes a code provision.

(1)(a) The design and fabrication of factory-built structures must comply with the Uniform Building Code, Appendix (except for chapter 35), and Standards (1982 editions). The "building official" mentioned in the Uniform Building Code means the assistant director of the department's building and construction safety inspection services division or his or her authorized representative.

(b) Live loading designs must comply with the Uniform Building Code. Live loading for roofs must comply with Section 2305(d), Snow Loads, and may not be less than 25 pounds per square foot.

(2) Electrical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the National Electrical Code (1984 edition) published by the National Fire Protection Association, as amended by chapter 19.28 RCW and the rules adopted under that chapter.

(3) Mechanical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the Uniform Mechanical Code (1982 edition) published by the International Association of Plumbing and Mechanical Officials, including Appendix B of chapter 22 and the standards.

(4)(a) Plumbing equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the Uniform Plumbing Code (1982 edition) published by the International Association of Plumbing and Mechanical Officials. The code, however, shall not apply to gas piping, water heaters, or vents for water heaters.

(b) A manufacturer may not use plastic drain, waste, or vent pipe for laundries, laundromats, cleaners, service stations, repair garages, restaurants, snack bars, hospitals, nursing homes, medical clinics, manufacturing plants, factories, assembly buildings, theatres, or schools, or other buildings used for education, unless the pipes will carry only domestic sewage.

(5) All factory-built structures that are not residential dwellings must comply with the rules adopted pursuant to RCW 19.27.030(5), which requires manufacturers to make buildings and facilities accessible to and usable by the physically handicapped and elderly persons.

(6) All factory-built structures must comply with the Washington State Energy Code set by chapter 51-12

WAC as of ((~~March 1, 1982~~)) April 1, 1986 as required by RCW 19.27A.020(3) and 19.27A.030.

**WSR 86-08-072  
ADOPTED RULES  
ARTS COMMISSION**

[Order 1, Resolution No. 86-1—Filed April 1, 1986]

Be it resolved by the Washington State Arts Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to the commission's purpose, goals, organization, office location, office hours, procedures for public records requests, practice and procedures for commission and committee meetings, and general rules applicable to all programs and services.

This action is taken pursuant to Notice No. WSR 86-01-087 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 under the general rule-making authority of the Washington State Arts Commission as authorized in RCW 43.46.040 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 April 1, 1986.

By Michael A. Croman  
Executive Director

Chapter 30-01 WAC  
WASHINGTON STATE ARTS COMMISSION

WAC	
30-01-010	Purpose.
30-01-020	Authority.
30-01-030	Definitions.
30-01-040	Description of commission's purpose and goals.
30-01-050	Organization.
30-01-060	Office location and hours—Correspondence to staff.

NEW SECTION

✓ WAC 30-01-010 PURPOSE. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapter 42.17 RCW.

NEW SECTION

✓ WAC 30-01-020 AUTHORITY. The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

✓ WAC 30-01-030 DEFINITIONS. The following definitions shall apply throughout this title:

(1) "Washington state arts commission" means the commission established pursuant to RCW 43.46.015.

(2) "Commission" means the Washington state arts commission.

(3) "Commissioners" means the members of the commission who are appointed pursuant to RCW 43.46.015.

(4) "Chairperson" means that person elected pursuant to RCW 43.46.040.

(5) "Executive director" means that person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter.

(6) "Staff" means those persons employed by the executive director pursuant to RCW 43.46.045.

(7) "Committees" means those subgroups of the commission appointed by the chairperson as described in WAC 30-01-050(5).

(8) "Committee chairpersons" means those persons appointed by the chairperson of the commission as described in WAC 30-01-050(3).

(9) "Public records" include any writing containing information pertaining to the 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.

(10) "Writing" means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

NEW SECTION

✓ WAC 30-01-040 DESCRIPTION OF COMMISSION'S PURPOSE AND GOALS. (1) The commission is charged with the conservation and development of the state's artistic resources as described in RCW 43.46.005. It is a citizens' commission consisting of nineteen members appointed by the governor and two members of the legislature. It is authorized by RCW 43.46.050 to study, plan, and advise the governor, state departments, and the legislature regarding cultural development. Through the authority granted by RCW 43.46.055, the commission may administer any activity, and assist any person or agency in programs or projects related to the growth and development of the arts and humanities.

(2) Statement of purpose. The commission has adopted as its statement of purpose: To improve the growth, development, and preservation of the arts, striving in all programs to maintain the highest possible quality.

(3) Goals. The commission has adopted the following goals:

(a) To improve the availability and access to the arts for all Washington residents;

(b) To conserve and develop the state's artistic resources, its artists, works of art, and arts institutions;

(c) To advocate society's need for the arts;

(d) To enhance education through the involvement of professional artists in all arts disciplines in schools and other educational settings.

NEW SECTION

✓ WAC 30-01-050 ORGANIZATION. (1) Officers. The officers of the commission shall be chairperson, first vice-chairperson, and second vice-chairperson.

(2) Election of officers. At each mid-year meeting of the calendar year, the current chairperson shall appoint a nominating committee. At the first meeting of each year, the nominating committee will report its recommendations for officers, after which nominations shall be open to the floor. An election shall be held by secret ballot and the member receiving the highest number of votes for each of the three positions shall be declared elected to the position for the coming year. The officers shall act as chairperson, first vice-chairperson, and second vice-chairperson until the next election or successors are elected. Vacancies may be filled by the chairperson between annual elections of officers.

(3) Duties of officers.

(a) The chairperson shall preside at all meetings of the commission, shall act as principal spokesperson for the commission, represent the commission between meetings, appoint standing and ad hoc committees, appoint committee chairpersons, remove members of committees, act as an ex officio member of all standing committees, provide a regular report to the commission regarding recent actions and activities, and perform other duties that pertain to the office. The chairperson shall lead commission activities in close partnership with the executive director, and coordinate with the executive director in the planning and arrangements for all meetings of the commission. The chairperson shall inform the executive director or prospective executive director of the terms of his/her employment and shall be responsible for the supervision of the executive director.

(b) The vice-chairperson shall act as chairperson in the absence or incapacity of the chairperson.

(c) The second vice-chairperson shall act as chairperson in the absence or incapacity of both the chairperson and the first vice-chairperson.

(4) Interim committee. The chairperson, first vice-chairperson, second vice-chairperson, and one commissioner at-large appointed by the chairperson shall constitute the interim committee. The interim committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner. Any committee action shall be ratified at the next regular meeting of the commission.

(5) Committees. The chairperson shall appoint such committees as the commission or the chairperson shall deem necessary to carry on the business of the commission. A committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner, and when such action has been specifically authorized in advance by a majority vote taken at a regular meeting of the commission. Any committee

action shall be ratified at the next regular meeting of the commission.

NEW SECTION

✓ WAC 30-01-060 OFFICE LOCATION AND HOURS—CORRESPONDENCE TO STAFF. (1) The official administrative location of the commission and its staff is at the Washington State Arts Commission, 9th and Columbia Building, Room 110, Olympia, Washington, 98504-4111. The commission office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted, and except for business relating to public records, which is governed by WAC 30-04-040.)

(2) Address for communications. All communications with the commission, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the commission's decisions and other matters shall be addressed as follows: Washington State Arts Commission, 9th and Columbia Building, Room 110, Mail Stop GH-11, Olympia, Washington, 98504-4111, 206/753-3860.

Chapter 30-04 WAC  
PUBLIC RECORDS

WAC

- 30-04-010 Purpose.
- 30-04-020 Public records available.
- 30-04-030 Public records officer.
- 30-04-040 Office hours.
- 30-04-050 Requests for public records.
- 30-04-060 Copying.
- 30-04-070 Exemptions.
- 30-04-080 Review of denials of public records requests.
- 30-04-090 Protection of public records.
- 30-04-100 Adoption of form.
- 30-04-110 Request for public record form.
- 30-04-120 Records index.

NEW SECTION

✓ WAC 30-04-010 PURPOSE. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

NEW SECTION

✓ WAC 30-04-020 PUBLIC RECORDS AVAILABLE. All public records of the commission as defined in WAC 30-01-030(9), are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 30-04-070.

NEW SECTION

✓ WAC 30-04-030 PUBLIC RECORDS OFFICER. The commission's public records shall be in the charge of the public records officer designated by the executive director. The person so designated shall be located in the office. The public records officer shall be responsible for

the following: The implementation of commission policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 42.17 RCW.

#### NEW SECTION

✓ **WAC 30-04-040 OFFICE HOURS.** Public records shall be available for inspection and copying during the customary office hours. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, (excluding Saturdays, Sundays, and legal holidays). All public records of the commission are located at the Washington State Arts Commission, 9th and Columbia Building, Room 110, Olympia, Washington.

#### NEW SECTION

✓ **WAC 30-04-050 REQUESTS FOR PUBLIC RECORDS.** In accordance with the requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasion 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 procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location indicated in WAC 30-04-040. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available, during customary office hours. The request shall include the following information:

- (a) The name 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 public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or staff person assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 30-04-070 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the rights of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in RCW 42.17.310 (1)(g), and other particular information.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer, or staffperson to whom the request is made, to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(5) Only the staff and members of the commission may open files to gain access to commission records.

(6) No public record of the commission may be taken from the premises of the commission by a member of the public.

(7) Public inspection of commission records shall be done only in such locations as are approved by the public records officer, which locations must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless other arrangements are authorized by the public records officer.

#### NEW SECTION

✓ **WAC 30-04-060 COPYING.** No fee shall be charged for the inspection of public records. The commission shall charge twenty-five cents per page for copies of public records and the use of commission copy equipment. This charge is the amount necessary to reimburse the commission for its actual cost incident to such copying. If the public records officer deems it more efficient to have copying done outside the agency, the charges will be based on the actual cost of such outside copying service.

#### NEW SECTION

✓ **WAC 30-04-070 EXEMPTIONS.** (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 30-04-050 is exempt under the provisions of RCW 42.17.310.

(2) The commission reserves the right to allow the public to only inspect certain public records where there is reason to believe that the ability to copy such records would be a violation of contractual copyright agreements.

(3) In addition, pursuant to RCW 42.17.260, the commission 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 protected by chapter 42.17 RCW. The public records officer will justify such deletion in writing.

(4) 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 withheld.

NEW SECTION

✓WAC 30-04-080 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staffperson which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or other staffperson denying the request shall refer it to the executive director or designee. The executive director shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two days following the written request for review of the original denial.

(3) Administrative remedies shall not be considered exhausted until the executive director has returned the petition with a decision or until the close of the second business day following the request for review, whichever occurs first.

NEW SECTION

✓WAC 30-04-090 PROTECTION OF PUBLIC RECORDS. (1) Records are available for inspection and copying at the location and during office hours identified in WAC 30-04-040 and then only in the presence of an authorized staffperson of the commission and with the aid and assistance of such staffperson.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate that equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public record form as provided in WAC 30-04-100 and 30-04-110. Staff shall acknowledge such request for an appointment within two working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staffperson.

NEW SECTION

✓WAC 30-04-100 ADOPTION OF FORM. The commission hereby adopts for use by all persons requesting inspection or copies of its records, the form attached hereto as WAC 30-04-110, entitled "Request for Public Record Form."

NEW SECTION

✓WAC 30-04-110 REQUEST FOR PUBLIC RECORD FORM.

			REQUEST FOR PUBLIC RECORD
WASHINGTON STATE ARTS COMMISSION 9th and Columbia Building, Room 110 Mail Stop GH-11 CAMPUS Olympia, Washington 98504-4111			(206) 753-3860
NAME OF REQUESTER:		PHONE:	
STREET ADDRESS:			
CITY:	STATE:	ZIP:	
DATE OF REQUEST (M/D/Y):		TIME:	A.M. P.M.
PUBLIC RECORDS OR INFORMATION REQUESTED:			
			Completed by Arts Commission Office
NUMBER OF COPIES, IF REQUESTED:		NUMBER OF COPIES PROVIDED:	
APPOINTMENT TO VIEW RECORDS: (Preferred Dates)		AMOUNT RECEIVED FOR COPIES: \$	
(1st) DATE:	TIME:	APPOINTMENT CONFIRMED:	
(2nd) DATE:	TIME:	DATE:	TIME:
(3rd) DATE:	TIME:	DATE:	TIME:      STAFF:
IF SPECIAL EQUIPMENT REQUIRED FOR VIEWING RECORDS, PLEASE DESCRIBE:			
<p>AGREEMENTS: I have read, understand, and will comply with the rules of the Washington State Arts Commission governing the inspection and copying of public records. I also agree that any list of individuals and/or information provided me by the Commission shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for the purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.</p>			
SIGNATURE OF REQUESTER:			DATE:
ACKNOWLEDGEMENT OF RECEIPT			
DATE:	TIME:	A.M. P.M.	
SIGNATURE OF STAFF RECIPIENT:			



REASON IF AGENCY IS UNABLE TO COMPLY:

.....  
WAC 30-04-110 (12/85) Washington State Arts  
Commission  
.....

NEW SECTION

✓ WAC 30-04-120 RECORDS INDEX. The commission shall provide a current records index based on those records available in the commission office and outlined on the commission's schedule for archival of official agency records. Those records which are considered exempt for the purposes of WAC 30-04-070 and RCW 42.17.310 shall be so noted on the index.

Chapter 30-08 WAC  
PRACTICE AND PROCEDURE

WAC	
30-08-010	Purpose.
30-08-020	Uniform procedure rules.
30-08-030	Commission meetings.
30-08-040	Commission meetings—Public participation.
30-08-050	Commission meeting materials.
30-08-060	Committee meetings.
30-08-070	Appeal procedure—Awards and contracts.

NEW SECTION

✓ WAC 30-08-010 PURPOSE. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters 42.17 and 42.30 RCW, in particular those sections which deal with procedures and meetings.

NEW SECTION

✓ WAC 30-08-020 UNIFORM PROCEDURE RULES. Practice and procedure in and before the commission are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the commission adopts as its own, subject to any additional rules the commission may choose to adopt. The commission reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the commission, said determination to be in accordance with the spirit and intent of the law.

NEW SECTION

✓ WAC 30-08-030 COMMISSION MEETINGS. (1) General schedule. The commission shall meet at least five times each year and at such other times as determined to be necessary. The meetings of the commission shall all be "regular" or "special meetings" as those designations are applied in chapter 42.30 RCW. Meetings may be called, subject to the notice requirements of

chapter 42.30 RCW, at any time and place by the chairperson or a majority of the commissioners.

(2) Notice. Twenty days notice of all meetings shall be given by mailing a copy of the notice and draft agenda to each commissioner and to any person who has made a written request to the commission to receive meeting notices.

(3) Special or emergency meetings. The twenty-day notice may be waived for special or emergency meetings upon consent of a majority of the commission. In such cases, the provisions of RCW 42.30.080 will govern due notification of the time, place and business to be transacted.

(4) Executive session. An executive session may be called by the chairperson or a majority of the commission. Executive sessions shall deal only with matters authorized by chapter 42.30 RCW.

(5) Ballots by mail—Conference calls. Given the geographic distribution of the commissioners, the chairperson may call for a ballot by mail when an item calls for consideration by the full commission. The results of the vote shall be made available at the next regular meeting of the commission. The chairperson may also convene a meeting by conference call if the situation warrants immediate action by the full commission, subject to the notice requirements of chapter 42.30 RCW.

(6) Rules of order. The commission shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(7) Quorum. A simple majority of the regularly appointed and acting members of the commission shall constitute a quorum. If all twenty-one positions are filled, the quorum shall be eleven.

(8) Voting rights. All officers of the commission shall have the right to vote on all matters before the commission, just as any other commissioner.

(9) Minutes. Minutes shall be kept of the proceedings of all commission meetings.

NEW SECTION

✓ WAC 30-08-040 COMMISSION MEETINGS—PUBLIC PARTICIPATION. Any person or organization is encouraged to offer its points of view to the commission.

(1) Any person or organization wishing to make a formal presentation at a scheduled meeting of the commission shall notify the executive director in writing at least ten days prior to the time of the meeting. The commission or executive director may waive the ten-day notice period in the event the proposed presentation is of critical importance to the operation of the commission.

(a) Such notification shall contain the name of the person or organization that desires to make a presentation; the address and phone number of the person or organization; and the topic to be presented or discussed.

(b) Permission to make a presentation to the commission shall be granted by the executive director in consultation with the chairperson, as authorized by the commission.

(c) Confirmation of permission to make a presentation to the commission shall be made if at all possible, by the staff prior to the meeting of the commission, and shall

include the date and time of the meeting, and the time set for the formal presentation.

(2) The chairperson shall have the discretion to recognize anyone in the audience who indicates at the time of the meeting a desire to speak at such meeting. Depending on the number of individuals wishing to speak or the commission's sense of the business it must conduct, the chairperson may limit the time for comment to a reasonable period, but not less than five minutes.

NEW SECTION

✓WAC 30-08-050 COMMISSION MEETING MATERIALS. The commission and its staff will make every effort to make commission meeting materials available for viewing by the public at the time of the meeting, pursuant to WAC 30-04-010 through 30-04-120, except as otherwise provided by RCW 42.17.310. Due to the unpredictability of attendance at meetings, extra copies of meeting materials will be distributed until depleted. Requests can be made to the staff to provide copies by mail.

NEW SECTION

✓WAC 30-08-060 COMMITTEE MEETINGS. Committees shall follow the same procedures as the full commission.

NEW SECTION

✓WAC 30-08-070 APPEAL PROCEDURE—AWARDS AND CONTRACTS. The commission shall provide a procedure for applicants to appeal the commission's decisions when there is evidence that information available at the time of the commission's action was either not considered included in the review or was not clearly understood.

(1) Appeals may not be made based on new information not available at the time of the original decision.

(2) Appeals must be presented in writing to the executive director, outlining the nature of the appeal.

(3) The executive director, in consultation with the chairperson shall accept or reject the appeal.

(4) Upon confirmation that the appeal is legitimate, the executive director shall notify the commission and arrange for an appeals hearing at the next scheduled commission meeting. The appeal may be presented by the applicant at that time. The appeal must be presented in its entirety at that time and shall be considered final.

(5) The commission shall defer action to the next meeting of the commission, and must make it known to the applicant, at which time the final decision will be made.

(6) After final commission action on the appeal, the executive director or a designated staffperson shall notify the applicant of the decision in writing, within five working days after the date of the commission action.

(7) Administrative remedies shall not be considered exhausted until the applicant has received the written description of the commission's decision and action on the appeal or ten working days since the decision have passed, whichever occurs first.

(8) Appeals may not be made during the public portion of a commission meeting agenda and the commission shall not take action on any such presentations that may be made without the above review by the executive director and chairperson.

Chapter 30-12 WAC  
GENERAL RULES

WAC

30-12-010	Purpose.
30-12-020	Definitions.
30-12-030	Advisors and panels.
30-12-040	Support of individual artists.
30-12-050	Support of primary arts institutions.
30-12-060	Support of Washington artists and organizations.
30-12-070	Commissioning or purchase—Works of art.
30-12-080	Special audiences.
30-12-090	Native American arts.
30-12-100	Ethnic minorities.
30-12-110	Geographic distribution of services.
30-12-120	School, college and university activities.
30-12-130	Continuing support.
30-12-140	Conflict of interest—Subcontractor's board members.
30-12-150	Complimentary tickets.
30-12-160	Credits and endorsements of local programs.
30-12-170	Budget line items.

NEW SECTION

✓WAC 30-12-010 PURPOSE. The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply generally to all commission programs and services, specifically, those that involve competitive application for support, awards or contracts for artistic services. In addition, each commission program or service has additional rules that apply. Those specific program rules are contained in chapters 30-16 through 30-52 WAC.

NEW SECTION

✓WAC 30-12-020 DEFINITIONS. In addition to the definitions found in WAC 30-01-030, the following definitions shall apply to this chapter:

- (1) "Art" shall be defined as:
  - (a) The production of the visual, literary, or performing arts;
  - (b) The study of these activities;
  - (c) The product of these activities.
- (2) "Professional artist" means a person generally recognized by critics and peers as a professional producing high quality work on a regular basis. Other indicators of professionalism include frequent or consistent exhibitions, performances, readings, publications, purchases by museums, commissions, honors and awards, and art training. Students enrolled in an on-going formal art education program and avocational practitioners

are not considered professional. Hereinafter, professional artist will be referred to as "artist."

(3) "Advisors and panels" means those individuals from which the commission as a part of its regular practice may seek advice in order to provide a comprehensive professional perspective in the decision-making process, but does not include commissioners or staff.

(a) "Advisors" are individuals requested to make recommendations regarding programs, selections, and issues before the commission based on their expertise, training, or experience in a given field.

(b) "Selection panels" recommend artists, artworks, or arts organizations for selection and contracting by the commission.

(c) "Advisory panels" advise on commission directions and procedures.

(4) "Endorsements" mean statements made in support of the activities of other organizations or individuals which may be used by the commission or the organizations or individuals to help promote local support or funding from other public and private sources.

(5) "Support" means financial, technical, or information assistance provided by the commission and the staff to individuals or organizations.

(6) "Primary arts institutions" are those organizations which:

(a) Serve as models of artistic and administrative achievement;

(b) Provide the highest quality of service to a broad segment of the public;

(c) Are recognized for their stature on a state, regional, or national level;

(d) Make a significant contribution to the arts discipline in which they specialize; and

(e) By the scope of their operations, generate a positive economic impact beyond their immediate locale.

(7) "Complimentary tickets" are any free admissions provided by arts organizations to commissioners or staff.

(8) A "Native American" is a person of recognized North American Indian descent through tribal affiliation or general tribal community recognition.

#### NEW SECTION

✓WAC 30-12-030 **ADVISORS AND PANELS.** (1) Advisory and selection panels are generally comprised of three to seven individuals whose expertise can address specific issues and program needs.

(2) Advisors and panel members are authorized to serve by the executive director, and may be reimbursed for their services and/or their travel expenses.

(3) Advisors and panels may refrain from making a recommendation, if, in their opinion, there is insufficient information or merit in the material under review.

(4) All advisor and panel recommendations are subject to the review and approval of the commission.

#### NEW SECTION

✓WAC 30-12-040 **SUPPORT OF INDIVIDUAL ARTISTS.** The commission recognizes the central role of the artist in the creation and performance of artistic works. The commission will support and encourage these

individuals through direct and indirect financial, technical, and information services.

#### NEW SECTION

✓WAC 30-12-050 **SUPPORT OF PRIMARY ARTS INSTITUTIONS.** The commission recognizes certain arts institutions as primary components of the state's cultural life deserving first consideration for financial support. The commission will provide general operations support. This assistance will contribute to the continued economic stability of the primary arts institutions and therefore full service to the general public.

#### NEW SECTION

✓WAC 30-12-060 **SUPPORT OF WASHINGTON ARTISTS AND ORGANIZATIONS.** The commission gives priority to projects involving resident artists and arts organizations; this does not preclude the use of outside artists/arts organizations capable of providing programs or services to Washington residents that are not available within Washington state or those that supplement the artists/arts organizations available in the state.

#### NEW SECTION

✓WAC 30-12-070 **COMMISSIONING OR PURCHASE—WORKS OF ART.** The commission believes that the means by which works of art are selected is of vital importance.

(1) Applications for the commissioning or purchase of works by professional, visual, performing or literary artists must include a selection procedure in which a jury comprised of professional artists and community representatives is involved.

(2) In instances where work is being commissioned or selected by a professional arts institution, the person or persons normally responsible for selection of artworks may be authorized to make the selection with advance approval of the executive director.

(3) Three customary selection procedures are approved by the commission:

(a) Open competition – Distribution of a request for proposals through the use of direct mailings and public notices in the media;

(b) Invitational competition – Direct invitations to known artists with not less than three invitations considered;

(c) Direct selection for purchase or commissioned work – Selection of one professional artist by a professional arts institution or arts professional normally responsible for selection of artworks.

#### NEW SECTION

✓WAC 30-12-080 **SPECIAL AUDIENCES.** The commission encourages projects designed to reach special audiences or citizens who are not regularly served by arts events. Whenever possible, the commission favors opportunities for these citizens to be served in the same manner as the general public, emphasizing mainstreaming versus special or exceptional treatment.

These audiences may include the handicapped, institutionalized, elderly, or lower income groups.

#### NEW SECTION

✓WAC 30-12-090 **NATIVE AMERICAN ARTS.** The commission encourages the maintenance, continuance and promotion of Native American cultural art forms whether traditional or contemporary, existing or new creations. Preference will be given to Native American artists in projects involving their culture. Native American projects (visual arts, music, legends, dances, etc.) must clearly represent or be influenced by the Native American culture and heritage to be considered for support. Development of a project should include determination of proper ownership of any work involved, and written permission from the artist must precede any reproduction of works.

#### NEW SECTION

✓WAC 30-12-100 **ETHNIC MINORITIES.** The commission encourages projects by ethnic minorities who have been under-served by traditional funding sources. The commission is particularly supportive of projects that promote ethnic cultures through their traditional art forms and those that promote cross-cultural exposure within the community.

#### NEW SECTION

✓WAC 30-12-110 **GEOGRAPHIC DISTRIBUTION OF SERVICES.** The commission believes that access to the arts is equally important to all residents of the state. To make available arts opportunities among as many communities as possible, the commission may give special consideration to projects in communities which do not have reasonable access to high quality arts events or the resources to support them.

#### NEW SECTION

✓WAC 30-12-120 **SCHOOL, COLLEGE AND UNIVERSITY ACTIVITIES.** The commission provides financial support for activities sponsored by schools, colleges and universities only when the project will benefit and is made easily accessible to the general public. The proposed project must involve the community in planning and execution and significant attendance by the public must be demonstrated. The commission cannot support activities which might normally be considered a part of either regular or extra-curricular school programs. No course credit may be offered.

#### NEW SECTION

✓WAC 30-12-130 **CONTINUING SUPPORT.** Financial support from the commission must be considered by all recipients as supplementary to their normal sources of revenue and should not be expected to continue beyond the period of time as defined in any current contractual relationship with the commission.

#### NEW SECTION

✓WAC 30-12-140 **CONFLICT OF INTEREST—SUBCONTRACTOR'S BOARD MEMBERS.** The commission will consider financial support for projects that involve payments to members of the applicant's board of directors only if, it is clearly demonstrated that the services provided by the boardmember are within the individual's professional field, and that the contractual agreement has been authorized by the full board of the organization in accordance with its articles of incorporation and bylaws.

#### NEW SECTION

✓WAC 30-12-150 **COMPLIMENTARY TICKETS.** The following procedures are intended to guide the commission in its efforts to maintain an active liaison with its constituents, to appraise the work of the artistic community as it relates to commission programs, and to assure compliance with RCW 42.18.200 which defines the laws regarding the acceptance of anything of economic value by a state employee.

In the context of the commission's duties to evaluate its clients, commissioners or staff may request or accept complimentary tickets or free admissions to arts events which are presented by applicants for grants or events funded in whole or in part by the commission. In order for the receipt of complimentary tickets to be clearly within the work of the commission, the following conditions must be observed:

(1) It must be necessary or appropriate to see an event in order to evaluate an applicant or recipient of financial support.

(2) Performances or exhibitions of all applicants or recipients of financial support should be attended. If the number of applicants or recipients for support makes it impractical to attend performances or exhibitions of all, only those events involving excessive travel or which are clearly unnecessary to attend in order to evaluate the organization may be omitted.

(3) There should be a limit on the number of commissioners or staff attending an event. Generally, free admissions shall be limited to two persons.

(4) Those who attend an event must be prepared to evaluate it in the context of commission guidelines and rules.

(5) A written evaluation, in a standard evaluation format, will be required from each commission or staff evaluator.

(6) Each applicant or recipient of financial support will be required to provide the commission with two complimentary tickets to events, if so requested.

(7) The executive director or designee will authorize on-site evaluations and appoint the person or persons to perform the evaluation based upon their expertise and ability to report on the case.

(8) The executive director or his/her designee will notify the applicant or recipient of the assigned evaluation, the persons to perform the evaluation and request that admission be provided at no cost to the evaluator(s) at a time convenient to the client and evaluator(s).

NEW SECTION

✓ WAC 30-12-160 CREDITS AND ENDORSEMENTS OF LOCAL PROGRAMS. The commission recognizes its potential for serving its constituents by the inclusion of credits in promotional information or documentation, to encourage funding from other sources. These credits shall not be considered an endorsement of the organization but will constitute a factual accounting of past and/or present support to the organization by the commission.

NEW SECTION

✓ WAC 30-12-170 BUDGET LINE ITEMS. The commission will not endorse state budget line items and legislative provisos requested by individual arts organizations.

**WSR 86-08-073**

**ADOPTED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Order 1-86—Filed April 1, 1986]

I, E. F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt the annexed rules relating to:

New	WAC 192-40-010	Introduction—Purpose of rules.
New	WAC 192-40-020	Definitions.
New	WAC 192-40-030	Local hearings—Obligation.
New	WAC 192-40-040	Review of local decisions.
New	WAC 192-40-050	Review of local decisions—Finality of assistant commissioner decisions.
New	WAC 192-40-060	Review of decisions—Delegation of responsibility.
New	WAC 192-40-070	State level hearing request.
New	WAC 192-40-080	State level hearing procedure.
New	WAC 192-40-090	State level decision by office of administrative hearings.
New	WAC 192-40-100	Review of state level decision.
New	WAC 192-40-110	Savings provision.

This action is taken pursuant to Notice No. WSR 86-05-022 filed with the code reviser on February 14, 1986. 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 50.12.010 and 50.12.040 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED April 1, 1986.

By Ernest F. LaPalm  
Deputy Commissioner

CHAPTER 192-40 WAC  
HEARING AND REVIEW PROCEDURES UNDER  
THE JOB TRAINING PARTNERSHIP ACT

WAC

192-40-010	INTRODUCTION—PURPOSE OF RULES
192-40-020	DEFINITIONS
192-40-030	LOCAL HEARINGS—OBLIGATION
192-40-040	REVIEW OF LOCAL DECISIONS
192-40-050	REVIEW OF LOCAL DECISIONS—FINALITY OF ASSISTANT COMMISSIONER DECISION
192-40-060	REVIEW OF DECISIONS—DELEGATION OF RESPONSIBILITY
192-40-070	STATE LEVEL HEARING REQUEST
192-40-080	STATE LEVEL HEARING PROCEDURE
192-40-090	STATE LEVEL DECISION BY OFFICE OF ADMINISTRATIVE HEARINGS
192-40-100	REVIEW OF STATE LEVEL DECISION
192-40-110	SAVINGS PROVISION

NEW SECTION

✓ WAC 192-40-010 INTRODUCTION—PURPOSE OF RULES. These rules are intended to assist persons, organizations or governmental entities in fulfilling their obligations or exercising their rights under the Job Training Partnership Act and the regulations enacted pursuant thereto. The rules will describe two procedures, the first dealing with complaints, alleged adverse actions or grievances in which a hearing is required to be conducted at the administrative entity, recipient, or direct subrecipient level. The procedures for dealing with these matters are identified as procedures applicable to local hearings and decisions. The second set of procedures deals with complaints, alleged adverse action or grievances properly brought at the state level.

NEW SECTION

✓ WAC 192-40-020 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assistant commissioner" means the senior administrator for the training program services division of the employment security department.

(2) "Interested party" means an individual who participates in or applies for participation in a program administered under the JTPA, or a person or organization which is directly or adversely affected by organizations or individuals operating programs under JTPA.

(3) "JTPA" means the Job Training Partnership Act of 1982, Public Law No. 97-300, as amended, codified as 29 U.S.C. § 1501 et seq.

(4) "TPS" means the training program services division.

(5) "Provisions" means the Job Training Partnership Act provisions issued by the employment security department.

(6) "Reviewing officer" means the commissioner's reviewing officer or deputy reviewing officer who act as commissioner's delegates in the review of the employment security adjudicatory matters.

#### NEW SECTION

✓ WAC 192-40-030 LOCAL HEARINGS—OBLIGATION. Each administrative entity, subrecipient, and direct subrecipient shall provide hearings in accordance with the Job Training Partnership Act, regulations, and state provisions.

#### NEW SECTION

✓ WAC 192-40-040 REVIEW OF LOCAL DECISIONS. Any person adversely affected by a local decision or by the failure of the responsible entity to comply with its responsibilities to hold a hearing and issue a decision may request review of the decision or inaction, as the case may be, by filing a petition with the "assistant commissioner".

(1) Any individual or organization may petition for review of a local level decision or lack thereof when:

(a) Applicable JTPA procedures have been exhausted; and

(b) A decision was not received within sixty days of the filing of the complaint, alleged adverse action, or grievance; or

(c) The decision received was unsatisfactory to an interested party.

(2) A petition for review will be regarded as filed on the date a written request is received by the assistant commissioner of the training program services division of the employment security department. Petitions must be filed within ten days after the date on which the local decision was mailed or within ten days from the date on which the complainant should have received the local decision. If the petition is mailed, it will be deemed filed with the addressee on the postmark date if it is properly addressed and has sufficient postage.

Petition for review will be addressed to: Assistant Commissioner, Training Program Services Division, Employment Security Department, Mail Stop KG-11, Olympia, Washington 98504.

(3) Within five days of any request from the assistant commissioner the local authority will transmit all records pertaining to the matter under review to the assistant commissioner.

#### NEW SECTION

✓ WAC 192-40-050 REVIEW OF LOCAL DECISIONS—FINALITY OF ASSISTANT COMMISSIONER DECISION. The review of local decisions shall be confined to the record under review and shall be limited to consideration only of those matters over which the assistant commissioner has jurisdiction. In the event that the record is incomplete, or otherwise provides insufficient information upon which to base a decision, the assistant commissioner may remand the matter to the

responsible local authority for the taking of further evidence and issuance of a new decision based thereon, subject to further review, or should he or she be convinced that a fair hearing will not be provided by the local authority he or she may assign the case to be heard by an administrative law judge to be designated by the office of administrative hearings. In the latter event the administrative law judge shall conduct a hearing and issue a decision which will be deemed the decision of the local authority subject to review by the assistant commissioner in the same manner as any other local decision.

The decision of the assistant commissioner upon review of local decisions is a final agency action and is subject to review under RCW 34.04.130.

#### NEW SECTION

✓ WAC 192-40-060 REVIEW OF DECISIONS—DELEGATION OF RESPONSIBILITY. In the interest of fairness, the assistant commissioner reserves the option to delegate the review procedure as described in WAC 192-40-050 to the reviewing officer of the employment security department or other qualified legal authority. The decision of the delegated review authority is a final agency action and subject to review under RCW 34.04.130.

#### NEW SECTION

✓ WAC 192-40-070 STATE LEVEL HEARING REQUEST. Any aggrieved party with a timely complaint, alleged adverse action, or grievance against the state administrative office for JTPA shall be provided a written description of the training program services division complaint procedures including notification of their right to file a complaint and instructions on how to file.

Any party aggrieved by an unresolved complaint, alleged adverse action, or grievance properly filed with the state administrative office for JTPA operations will be deemed to have filed a request for hearing unless the party has waived right to hearing.

#### NEW SECTION

✓ WAC 192-40-080 STATE LEVEL HEARING PROCEDURE. Upon receipt of a request for hearing, the training program services division will notify the office of administrative hearings to conduct a hearing pursuant to 29 U.S.C. § 1554 and § 1577, except for complaints of discrimination filed pursuant to 42 U.S.C. § 2000(d), et seq.

Advance written notice of the hearing will be provided by regular mail to all interested parties at least twenty days prior to the hearing to permit adequate preparation of the case. The notice will include:

(1) The time, date, and place of the hearing. Hearings shall be held at the regularly established hearing locations most convenient to the interested parties, or at the discretion of the hearing officer, by telephone;

(2) The name, address, and telephone number of the person to notify in the event it is not possible for the party or its legal counsel to attend the scheduled hearing;

(3) The hearing procedures, a statement of the issues, and any other information which would provide the party or its legal counsel with an understanding of the proceedings and contribute to the effective presentation of the party's case;

(4) An explanation that the party or its legal counsel may examine the case file prior to the hearing.

Any interested party may waive his/her right to notice either in writing or on the record.

#### NEW SECTION

✓ **WAC 192-40-090 STATE LEVEL DECISION BY OFFICE OF ADMINISTRATIVE HEARINGS.** After affording the interested parties an opportunity for hearing on the matter, the administrative law judge assigned by the office of administrative hearings shall issue his/her decision in the case. The decision shall be issued within 60 days of the initial filing of the request for hearing.

#### NEW SECTION

✓ **WAC 192-40-100 REVIEW OF STATE LEVEL DECISION.** When a request for review is made of a state level decision, a proceeding under WAC 192-40-070, the review shall be conducted by the reviewing officer of the employment security department. A request for such review must be directed to the reviewing officer within twenty days of the issuance of the decision of the administrative law judge. Said review will be of the record prepared by the office of administrative hearings and will result in a decision in writing affirming, modifying, or reversing the decision of the administrative law judge, or in the event that the record is incomplete, or otherwise provides insufficient information upon which to pass a decision, the reviewing officer may remand the matter to the office of administrative hearings for the taking of further evidence and the issuance of a new decision based thereon. The decision of the reviewing officer shall be deemed a final state action subject to petition pursuant to RCW 34.04.130.

#### NEW SECTION

✓ **WAC 192-40-110 SAVINGS PROVISION.** To the extent that any regulations adopted in this chapter are in conflict with provisions of federal law or regulations or state law, the conflicting provisions shall be deemed inoperative solely to the extent of the conflict.

**WSR 86-08-074**  
**EMERGENCY RULES**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Order 86-1—Filed April 1, 1986]

Be it resolved by the Interagency Committee for Outdoor Recreation, acting at Tumwater, Washington 98504, that it does adopt the annexed rules relating to grant-in-aid policies, WAC 286-16-080.

We, the Interagency Committee for Outdoor Recreation, 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 Interagency Committee for Outdoor Recreation (IAC) is often unable to execute contracts with certain sponsors of approved development projects because of administrative, funding, or other uncertainties. Staff has been advised by several of these sponsors that they must proceed with certain commitments by early April 1986. Failure to do so will risk possible loss of the project(s), loss of a construction season, or unreasonable cost increases. Under WAC 286-16-080 in its current form, if commitments are made and/or funds expended without a signed contract between the sponsor and the Interagency Committee for Outdoor Recreation (IAC) the sponsor(s) will be ineligible for grant-in-aid assistance as to those commitments or expenditures. Since several must act in early April, the situation is clearly an emergency. To help resolve this we propose the adoption of a rule change on an emergency basis as provided for in RCW 34.04.030.

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

This rule is promulgated pursuant to RCW 43.99.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 28, 1986.

By Robert L. Wilder  
 Director

#### AMENDATORY SECTION (Amending Order IAC 82-1, filed 12/8/82)

**WAC 286-16-080 GRANT-IN-AID POLICY.** *State aid for acquisition or development of outdoor recreation land is intended to supplement and expand the existing capacity of a state or local agency; it is not intended to supplant the agency's own program, or to reimburse the agency for the cost of projects it would have undertaken without the state matching money. Therefore, except as hereinafter provided, the interagency committee will not approve the disbursement of outdoor recreation funds for a project when land has been purchased or the development has been undertaken before the interagency committee has approved the project and a project contract has been signed.*

(1) *Retroactive costs. Acquisition: Retroactive costs on an acquisition project are those costs incurred after receipt of application but prior to the execution of the project contract.*

(a) *When it is determined by an applicant that an emergency exists, which may jeopardize the project, the director may, upon a showing in writing of necessity for*

action prior to normal processing of the application, grant permission to proceed by issuance of a written waiver of retroactivity which letter will not be construed as a qualitative approval of the proposed project, but if the project is subsequently approved, the costs thus incurred will be eligible for assistance. If the project is to remain eligible for grant-in-aid support from federal funds, the director shall not grant a waiver of retroactivity to the applicant agency until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(b) After a project application for acquisition has been approved by the interagency committee, the sponsor agency will not lose its approved state assistance because it thereafter acquires the subject property prior to action on the agency's application for assistance from a federal agency if (1) the sponsor requests in writing, and receives the permission of the director to purchase and (2) the federal agency has notified the director that acquisition of the land will not jeopardize the proposed federal funding.

(2) *Retroactive costs. Development: Retroactive costs on a development project are defined as those site improvement and construction costs incurred prior to execution of the project contract. (~~Retroactive development costs as defined herein are not eligible for reimbursement.~~) If, after project approval by the interagency committee, but prior to execution of a contract, an applicant determines that conditions exist which jeopardize a project, and that action must be taken by the applicant to prevent loss of the project, loss of a construction season, unreasonable cost escalation, or other emergency, application may be made in writing to the director for a waiver of the prohibition against interagency committee grant assistance for costs incurred after project approval but prior to contract execution. Such application shall state the nature of the emergency or other condition(s) and the necessity to take action or expend funds prior to contract execution. A waiver, if approved by the director, shall permit otherwise allowable costs to be included as reimbursable costs in the event funds are available and a contract is executed. In the event funds are not available, or a contract is not executed, no expenditures made by an applicant under the provisions of such waiver shall be reimbursable. A waiver, if granted shall not be construed as final approval of an otherwise approved project. No such waiver shall be applicable to any grant-in-aid support from federal funds unless also approved by the federal agency.*

(3) *Preliminary expense. Development: Preliminary expense on a development project is defined as consisting of costs incurred prior to project approval, other than on-site preparation costs, that are necessary for the preparation of a development project. Preliminary expense attributable to a development project may be eligible for reimbursement, but only if it is specifically requested in the project application.*

(4) *Cost increases. Cost increases for approved projects may be granted by the interagency committee provided that financial resources are available.*

(a) *If an agency has applied for financial assistance for an outdoor recreation project, and the project has been approved, the sponsor agency may request the interagency committee to increase such financial assistance and the request shall be considered on its merits.*

(b) *If an approved project recommended for federal funding is denied by the appropriate federal agency, the sponsor agency may request the interagency committee increase the state fund assistance by an equivalent amount and the request shall be considered on its merits.*

(c) *The director has the authority to grant cost increase requests submitted by an agency so long as the total of those requests does not exceed 10 percent of the approved initial cost for a development project. The director also has the authority to grant cost increase requests submitted by an agency for individual parcels of land in an acquisition project so long as the total of those requests for each parcel does not exceed 10 percent of the approved initial cost for each parcel of land for which a cost increase is requested.*

## WSR 86-08-075

### ADOPTED RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 86-3—Filed April 2, 1986]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instructions and requirements, chapter 392-140 WAC.

This action is taken pursuant to Notice No. WSR 86-05-036 filed with the code reviser on February 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58.082(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 1, 1986.

By Frank B. Brouillet  
Superintendent of Public Instruction

### NEW SECTION

WAC 392-140-075 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—APPLICABLE PROVISIONS—AUTHORITY. The provisions of WAC 392-140-075 through 392-140-083 shall be applicable to the distribution of categorical grant funds to districts for the establishment of a school based management system for one or more school buildings within the district. The authority for these regulations is RCW 28A.58.082(4) which authorizes the superintendent of public instruction to adopt rules and regulations for the



implementation of school based management pilot projects.

#### NEW SECTION

✓ WAC 392-140-076 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—SCHOOL BASED MANAGEMENT—DEFINITION. For the purpose of WAC 392-140-075 through 392-140-083, the term "school based management" shall mean the use of an established school site council for the development of an annual school improvement plan for a particular school building.

#### NEW SECTION

✓ WAC 392-140-077 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—SCHOOL SITE COUNCIL—DEFINITION. For the purpose of WAC 392-140-075 through 392-140-083, the term "school site council" shall mean a council for a particular school building selected initially by a process established by the board of directors of the district and composed initially of at least the following:

- (1) Principal of the school.
- (2) Two or more teachers from the school.
- (3) School personnel from the school other than principal or teachers.
- (4) Two or more parents of students attending the school.
- (5) Two or more nonparent community members from the school's service area—i.e., geographical areas within the district from which students attend such school.
- (6) Two or more secondary students from the school if the particular school building is a secondary school—i.e., containing any grade seven through twelve or equivalent, if nongraded.

#### NEW SECTION

✓ WAC 392-140-078 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—SCHOOL IMPROVEMENT PLAN—DEFINITION. For the purpose of WAC 392-140-075 through 392-140-083, the term "school improvement plan" shall mean the identification of education needs, goals, objectives, and strategies that will provide excellence in one or more or all components within the basic education program within the particular building. The scope of the components to be addressed in the plan shall be specified by the board of directors of the district in its application to the superintendent of public instruction for approval as a pilot project as required by WAC 392-140-079(4).

#### NEW SECTION

✓ WAC 392-140-079 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—DISTRICT APPLICATION. The board of directors of any district may apply to the superintendent of public instruction to establish a school based management system. Such application shall contain:

- (1) An assurance that the district will establish a school site council in conformance with WAC 392-140-

077 and RCW 28A.58.082(2) for each particular building which will utilize the school based management system for preparation of a school improvement plan.

(2) A description of the composition and selection process for the school site council.

(3) An assurance that the school site council will be required to develop an annual school improvement plan.

(4) A statement whether the district will participate in one or more or all components within the basic education program and, if not all components, a description of the educational needs, goals, objectives, and strategies and/or the components of the basic education program which the school site council is authorized to address.

(5) An assurance that no school improvement plan will be approved by the board of directors for the particular school building affecting the specified components unless it is developed and recommended by the school site council in conformance with RCW 28A.58.082(4). For the purpose of this subsection, any proposed improvement which has a nexus to the specified components shall be included in such assurance.

(6) An assurance that categorical grant funds allocated by the superintendent of public instruction will be expended only for implementation of the school based management system—i.e., expenses related to the building based management system process and not for the cost of implementation of the school improvement plan resulting from such process.

(7) An assurance that the district will maintain accurate fiscal records and supporting documentation and, when requested, will provide such documentation to the superintendent of public instruction.

(8) A proposed program budget for the school based management system by activities and objects of expenditure, including any local or other funds, if any, committed to the pilot project.

(9) An assurance that if the district decides to terminate the building based management system pursuant to WAC 392-140-082 that such district will provide the superintendent of public instruction with an evaluation of the pilot project and state the reasons for termination.

(10) An assurance that the district after completion of the pilot project will provide the superintendent of public instruction with an evaluation of the program, including successes and failures and recommendations for improvement of the program.

(11) An assurance that the district will cooperate with efforts of the superintendent of public instruction to monitor and assess the success of the various pilot projects, including notification of scheduled meetings of the school site councils and submission of any progress reports requested by the superintendent of public instruction.

#### NEW SECTION

✓ WAC 392-140-080 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—PROJECT SELECTION CRITERIA AND ADVISORY COMMITTEE. The superintendent of public instruction shall appoint an advisory committee to review applications from school districts for categorical grant funds to implement school based management systems and to make

recommendations to the superintendent of public instruction as to the priority for funding such projects. The following criteria shall be used by the advisory committee and the superintendent of public instruction to evaluate pilot projects:

(1) At least one pilot project shall be selected from a district that uses the school based management system in every building within the district.

(2) If possible, at least one pilot project shall be selected from within:

(a) The boundaries of each educational service district.

(b) A school district with more than fifteen thousand FTE students.

(c) A school district with fewer than one thousand FTE students.

(d) A school district with a school improvement plan that addresses all components within the basic education program.

(e) A school district with a school improvement plan that addresses only selective components within the basic education program.

#### NEW SECTION

✓ WAC 392-140-081 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—CONDITIONS PRECEDENT TO APPLICATION BY DISTRICT FOR PILOT PROJECT APPROVAL. In order for a district to be eligible for pilot project approval by the superintendent of public instruction, the district shall be required to meet the following conditions precedent to the application for approval.

(1) The district representatives—at least the superintendent or his/her designee, a board member, and the principal of, and three other persons, each representing a different category specified in WAC 392-140-077 (2) through (6) from the designated building—shall attend a one-day workshop on school based management systems sponsored by the superintendent of public instruction.

(2) The district shall hold at least one public hearing on the application to the superintendent of public instruction for approval to establish a pilot project utilizing a school based management system.

#### NEW SECTION

✓ WAC 392-140-082 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—GRANT EXPENDITURES AND TERMINATION. Upon receipt of funds allocated by the superintendent of public instruction, the board of the district shall be authorized to budget and expend such funds for support of the school based management system. If at any time the board of directors determines it is terminating the school based management system, any remaining funds not expended as of the date of such decision to terminate shall be returned to the superintendent of public instruction and no further allocations pursuant to WAC 392-140-083 shall be made by the superintendent of public instruction regardless of any obligation incurred by the district.

#### NEW SECTION

✓ WAC 392-140-083 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—ALLOCATIONS BY SUPERINTENDENT OF PUBLIC INSTRUCTION. Allocation of funds by the superintendent of public instruction shall be one-third of the grant upon approval and the remainder made in equal monthly installments based on the budget approved by the superintendent of public instruction. Such allocations shall commence no earlier than March, 1986 and conclude in June, 1987. The budget approved by the superintendent of public instruction shall be the amount submitted in the district's pilot project approval application subject to negotiations if the superintendent of public instruction deems any item or amount excessive. In any event, the approved amount shall be negotiated and fixed prior to the commencement of the pilot project by the district.

#### **WSR 86-08-076**

##### **ADOPTED RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 86-4—Filed April 2, 1986]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Emergency school closure, chapter 392-129 WAC.

This action is taken pursuant to Notice No. WSR 86-05-035 filed with the code reviser on February 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41-.170 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 1, 1986.

By Frank B. Brouillet  
Superintendent of Public Instruction

#### AMENDATORY SECTION (Amending Order 84-13, filed 6/13/84)

✓ WAC 392-129-013 APPLICATION TO SUPERINTENDENT OF PUBLIC INSTRUCTION. The following information shall be contained in each application to the superintendent of public instruction for a determination of eligibility:

(1) Name of the district;

(2) Name of the superintendent of the district;

(3) Statement by the superintendent of the district that the board of directors has reviewed the application and supports its submittal;

(4) If request is made for an individual school closure pursuant to WAC 392-129-015(2), the name of the individual school(s) which did not operate for the day(s);

(5) The unforeseen condition(s) which cause a district and/or individual ((building)) school closure (see WAC 392-129-010);

((5)) (6) The specific dates on which the district and/or ((building)) school was closed;

((6)) (7) The specific dates the district shall schedule for making up the days of school closure.

**WSR 86-08-077**  
**PROPOSED RULES**  
**HOSPITAL COMMISSION**  
 [Filed April 2, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning revisions to chapters 261-02, 261-10, 261-12, 261-14, 261-20 and 261-40 WAC;

that the agency will at 10:00 a.m., Thursday, May 15, 1986, in the Vance Airport Inn, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 5, 1986.

Dated: April 2, 1986  
 By: Maurice A. Click  
 Executive Director

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045. Amending Title 261 WAC.

Purpose of the Amendment: To clarify existing rules and to bring the commission's rules into conformance with the Administrative Procedure Act and amendments to chapter 70.39 RCW.

Statutory Authority: RCW 70.39.180.

Summary of Rule Changes and Statement of Reasons Supporting Proposed Action: WAC 261-02-050 Petition for adoption, amendment, repeal of rule, new section describing the procedure for petitioning the commission to request the promulgation, amendment, or repeal of any rule; 261-02-060 Declaratory rulings, new section describing the procedure for petitioning the commission for a declaratory ruling; 261-10-080 Penalties for violation, amended to bring it into conformance with chapter 70.39 RCW; 261-12-090 Penalties for violation, new section to bring this chapter into conformance with chapter 70.39 RCW; 261-14-090 Penalties for violation, new section to bring this chapter into conformance with chapter 70.39 RCW; 261-20-040 Submission of budget and rate request, amended to require the submission of hospital budget and rate requests 90 days rather than 75 days prior to the beginning of a hospital's fiscal year;

261-20-045 Budget amendment submittals authorized—Time limitations—Presumption, subsection (1) is amended to require that any budget amendment must be received more than 105 days rather than 90 days prior to the hospital's fiscal year end and subsection (3) is amended to clarify that WAC 261-40-160, Approval of rates for less than full fiscal year, applies to budget amendments; 261-20-090 Penalties for violation, amended to bring the language into conformance with similar sections in other chapters; 261-40-135 Staff findings and recommendations regarding annual budget submittal, subsection (3) is amended to clarify the availability and distribution of staff reports of findings and recommendations regarding annual budget submittals; 261-40-140 Notice to public regarding annual budget submittal findings and recommendations and public hearing, amended to clarify notification of hearing dates; 261-40-145 Hospital's response to staff findings and recommendations; written testimony from general public, time for submission, requires the hospital to submit written response to staff findings and recommendations not less than six days rather than three days prior to the date of the informal hearing and makes provision for deferring consideration of information submitted less than six days prior to the hearing if more time is needed for the commission and staff to review the response; 261-40-170(4) Negotiated rates, the citation to the deductions from revenue form has been corrected; 261-40-200 Continuances, clarifies that the commission may set a temporary rate when a continuance is granted; 261-40-201 Classification of parties, clarifies that staff may be a party to any proceeding before the commission, subsection (1) has been expanded to clarify the continuing status of a hospital as a party when another party requests and is granted reconsideration of the decision at an informal hearing, and subsection (5) clarifies that staff may be a party to any proceeding; 261-40-220(1) Rules of evidence, housekeeping changes; 261-40-250 Filing and service, new section to describe the procedure for the filing and service of documents; 261-40-315 Commission right to terminate informal hearing, amendment provides for continuance of an informal hearing to a later date; 261-40-400 Opportunities for formal hearings, amended to require that a petition for formal hearing be filed within 30 days after service of the final decision and order and deletes the provision allowing a petition for consideration in a formal hearing prior to consideration in an informal hearing; 261-40-405 Commission action on petition for formal hearing, subsection (1) deletes reference to a petition for formal hearing prior to consideration at an informal hearing, subsection (2) adds as a ground for denial that petition was not timely filed, and subsection (4) does away with distinction between the two types of petitions for formal hearing; 261-40-410 Presiding officer, revised to conform with the Administrative Procedure Act; 261-40-435 Forms, housekeeping change to correct the citation to the WAC; 261-40-470 Record of proceedings, revised to conform with the Administrative Procedure Act; 261-40-480 Briefs, provides for three rather than ten copies of a brief; 261-40-485 Orders, revised to conform to the Administrative Procedure Act and reduces the number

of copies of exceptions and replies to exceptions that must be filed with the commission; and 261-40-490 No discussion of proceeding until decision, revised to permit the commission or presiding officer in a formal hearing to use personal assistants or staff of the commission if they did not participate in the proceeding during the informal hearing, as permitted by RCW 34.04.115.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of These Rules: Maurice A. Click, Executive Director, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capitol Way, Mailstop FJ-21, Olympia, Washington 98504, (206) 753-1990.

Name of the Organization Proposing the Rule: Washington State Hospital Commission.

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

Small Business Economic Impact Statement: The proposed amendments retain provisions for alternative systems of financial reporting and modifications of the uniform reporting system which provide specialized and reduced reporting requirements for smaller hospitals: WAC 261-20-060, 261-20-074 and 261-50-040. The Hospital Commission believes that these provisions enable smaller hospitals to report the information required by the statute in the least onerous fashion. The budget and rate review methodology and criteria described in WAC 261-40-150 provide exceptions for hospitals in Peer Groups 1 and 2 in order to assure access to necessary health care in rural areas.

#### NEW SECTION

WAC 261-02-050 PETITION FOR ADOPTION, AMENDMENT, REPEAL OF RULE. (1) Who may request? Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

(2) Contents of petition. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law.

(3) Consideration of petition. Within thirty days after the petition is filed, or at the next meeting of the commission if it does not meet within thirty days, the commission shall consider the petition and may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(4) Disposition. The commission shall within twenty days after the petition is considered, either deny the petition in writing (stating its reasons for denial) or initiate rule-making proceedings in accordance with RCW 34.04.025.

(5) Forms. Any interested person petitioning the commission requesting the promulgation, amendment, or repeal of any rules shall generally adhere to the following form for such purpose:

(a) At the top of the page shall appear the wording "Before the Washington State Hospital Commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment, or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an

existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his/her attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

#### NEW SECTION

WAC 261-02-060 DECLARATORY RULINGS. (1) Petition for declaratory ruling. Any interested person may petition the commission for a declaratory ruling as prescribed by RCW 34.04.080.

(2) Form of petition. Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose:

(a) At the top of the page shall appear the wording "Before the Washington State Hospital Commission." On the left side of the page before the foregoing the following caption shall be set out: "In the matter of the petition of (name of the petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraph shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(c) The original and two legible copies shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

(3) Consideration and disposition of petition. The commission shall consider the petition and within a reasonable time shall:

- (a) Issue a nonbinding declaratory ruling; or
- (b) Notify the person that no declaratory ruling is to be issued; or
- (c) Set a reasonable time and place for a hearing on the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved. If a hearing is held or evidence is submitted, as provided in this subdivision, the commission shall within a reasonable time:
  - (i) Issue a binding declaratory ruling; or
  - (ii) Issue a nonbinding declaratory ruling; or
  - (iii) Notify the person that no declaratory ruling is to be issued.

#### AMENDATORY SECTION (Amending Order 74-03, filed 2/15/74)

WAC 261-10-080 (~~(CRIMINAL PROVISIONS))~~ PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which (~~it is herein made~~) that chapter makes it his/her duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to remit the payment required by WAC 261-10-040 or file the reports required by WAC 261-10-050(3) shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of the violation by the commission. The executive director of the commission may grant extensions of time to remit the payment or file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

NEW SECTION

WAC 261-12-090 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the reports required by WAC 261-12-040, 261-12-050, 261-12-055, 261-12-060, and 261-12-070 shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of the violation by the commission. The executive director of the commission may grant extensions of time to file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

NEW SECTION

WAC 261-14-090 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the reports required by WAC 261-14-040 shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of the violation by the commission. The executive director of the commission may grant extensions of time to file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

AMENDATORY SECTION (Amending Order 84-05, Resolution No. 84-05, filed 10/1/84)

WAC 261-20-040 SUBMISSION OF BUDGET AND RATE REQUEST. (1) Each hospital shall submit its budget and rate request to the commission not less than ~~((seventy-five))~~ ninety days prior to the beginning of its fiscal year, including the effect of proposals made by area-wide and state comprehensive health planning agencies. The budget and rate request shall contain that information specified in the commission's manual and shall be submitted in the form and manner specified in the manual. Where more than one hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(2) The chief executive officer and presiding officer of the hospital's governing body shall attest that the information submitted under this section or budget amendments under WAC 261-20-045 has been examined by such person and that to the best of his/her knowledge and belief such information is a true and correct statement of the total financial needs of the hospital and the rates necessary to meet those needs for the budget period.

AMENDATORY SECTION (Amending Order 84-05, Resolution No. 84-05, filed 10/1/84)

WAC 261-20-045 BUDGET AMENDMENT SUBMITTALS AUTHORIZED—TIME LIMITATIONS—PRESUMPTION. (1) Hospitals are authorized, upon learning of facts justifying revision of their approved budgets, to submit amendments to such budgets not less than thirty days in advance of the proposed effective date of any associated proposed rate changes, however, any budget amendment must be received more than ~~((ninety))~~ one hundred five days prior to the hospital's fiscal year end; amendments submitted without effective dates will be assigned effective dates falling thirty days after receipt.

(2) Within thirty days after receipt of a budget amendment submittal, the staff shall determine whether it is complete and conforms to commission regulations, policies, and instructions, and shall verify the data contained therein.

(3) The provisions of WAC 261-40-100, 261-40-105, 261-40-110, 261-40-115, 261-40-120, 261-40-125, 261-40-130, 261-40-135, 261-40-140, 261-40-145, ~~((and))~~ 261-40-150, and 261-40-160 shall

apply to budget amendment submittals with the same force with which they apply to annual budget submittals.

(4) Any element of a hospital's budget amendment submittal which is not specifically identified as changed from the previously approved amount may be reopened to assure that the hospital's amended budget complies with WAC 261-40-150.

AMENDATORY SECTION (Amending Order 85-01, Resolution No. 85-01, filed 1/31/85)

WAC 261-20-090 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which ~~((a violation occurs shall constitute a separate violation. Any person))~~ a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the reports required by WAC 261-20-040(1), 261-20-050(1), and 261-20-057(1) shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of the violation by the commission. The executive director of the commission may grant extensions of time to file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

AMENDATORY SECTION (Amending Order 85-06, Resolution No. 85-06, filed 11/1/85)

WAC 261-40-135 STAFF FINDINGS AND RECOMMENDATIONS REGARDING ANNUAL BUDGET SUBMITTAL. (1) Hospital commission staff shall review each hospital's annual budget submittal. The staff shall utilize the methodology and address the criteria as set out in WAC 261-40-150. Requests involving variance from any criteria set out therein shall be specifically addressed by staff, who shall also make recommendations upon such requests and specify the basis for such recommendations.

(2) Contents: Upon completion of the staff review of a hospital's annual budget submittal, the staff shall prepare a written statement of its findings and recommendations to the commission. Such statement shall include:

(a) An analysis of the annual budget submittal in such form as the commission shall direct, as corrected or modified by the hospital in response to WAC 261-40-110(1) notice;

(b) A description of the exceptions noted in the primary, secondary, or detailed expense screening process used by the staff together with any explanation or justification provided by the hospital or determined by the staff for such exception;

(c) Recommendations of the staff regarding the rates, rate schedules, other charges, or changes therein proposed in the annual budget submittal; and

(d) Such other matters as the staff deems appropriate.

(3) Date of providing of statement: A copy of the staff's statement shall be made available at the commission's administrative office and may be picked up or shall be ~~((provided))~~ sent to the hospital, by mail or other means of delivery which is as fast or faster than mail, not less than ~~((fifteen))~~ twenty days prior to the date last set for commission consideration of the hospital's annual budget submittal. Copies of the statement also shall be ~~((provided))~~ sent to commission members by that same date, either by mail or other means of delivery.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-140 NOTICE TO PUBLIC REGARDING ANNUAL BUDGET SUBMITTAL FINDINGS AND RECOMMENDATIONS AND PUBLIC HEARING. Not less than twenty days prior to the date last set for commission consideration of a hospital's annual budget submittal, the staff shall ~~((provide))~~ send notice, by mail or other means of delivery which is as fast or faster than mail, to that hospital and by mail to those persons on the commission's general mailing list regarding the impending hearing. Any person may be placed on the commission's general mailing list by written request to the commission.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-145 HOSPITAL'S RESPONSE TO STAFF FINDINGS AND RECOMMENDATIONS; WRITTEN TESTIMONY FROM GENERAL PUBLIC, TIME FOR SUBMISSION. A hospital or other interested person may submit to the commission a response to the staff findings and recommendations. Such response, and any other written response submitted pursuant to WAC 261-40-140 notice, must be received in the commission's office not less than ~~((three))~~ six days prior to the date last set for commission consideration of the hospital's annual budget submittal in any informal hearing. Any response received after that date may ~~((not))~~ be considered by the commission at the hearing or, upon motion of an interested person or its own motion, the commission may defer consideration of the response until a later time if it determines that it cannot adequately consider the substance of the response at that time or that the response requires a detailed staff response. In the event the commission defers consideration of the response, it may permit a temporary change of rates, suspend the effective date of any proposed change of rates, or take any other action as allowed by law.

AMENDATORY SECTION (Amending Order 85-03, Resolution No. 85-03, filed 7/29/85)

WAC 261-40-170 NEGOTIATED RATES. (1) After July 1, 1985, any hospital may negotiate with and charge any particular payer or purchaser rates that are less than those approved by the commission, if:

- (a) The rates are cost justified; and
  - (b) The rates do not result in any shifting of costs to other payers or purchasers in the current or any subsequent year; and
  - (c) The rates do not result in any policies which limit access to individuals who are unable to pay or for whom the hospital receives less than anticipated charges for or costs of necessary health care services; and
  - (d) All the terms of such negotiated rates are filed with the commission within ten working days and made available for public inspection.
- (2) Within ten working days after the contract is signed, the hospital must submit full disclosure of each negotiated rate, including:
- (a) The names of the parties to the negotiation;
  - (b) The period of time covered by the agreement;
  - (c) The negotiated rate or the amount of the reduction from the rate approved by the commission; and
  - (d) Any other terms or conditions related to the negotiated rates.
- (3) Following publication of a negotiated rate as required by WAC 261-40-170(8), each hospital shall make the information reported in WAC 261-40-170(2) for that negotiated rate available to the public upon request.

(4) The differential between billed charges, based on the hospital's full established rates, and the payment received, based on the negotiated rate, must be separately identified for each negotiated contract and reported on lines ~~((26-31))~~ 23-31, Form ~~((RE-8))~~ SS-8 deductions from revenue. These amounts are "memo" only and may not be allocated to other payers or purchasers in the current or any subsequent year.

(5) The commission shall review a negotiated rate upon the request of any concerned party. Such a request shall include the following:

- (a) Identification of the party requesting the review;
- (b) Identification of the particular negotiated rate involved;
- (c) A clear statement of the violation alleged, e.g., it is not cost justified; it results in a cost shift to other payers or purchasers; or it does not otherwise conform with the provisions of RCW 70.39.140;
- (d) A statement of how the party is affected by the negotiated rate;
- (e) Evidence supporting the party's claim; and
- (f) The action requested of the commission.

(6) If upon review the negotiated rate is found to contravene any provision of RCW 70.39.140, the commission may disapprove such rate. Such disapproval shall be effective as of the date of the commission's order disapproving the negotiated rate. Once a negotiated rate is disapproved by the commission, the hospital may no longer charge such rate.

(7) The commission will publish on meeting agendas a list of all negotiated rates filed by hospitals, including the names of the parties to the negotiation, within thirty days after filing.

(8) The provisions of WAC 261-40-170 apply to all negotiated rates in effect on or after July 1, 1985.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-200 CONTINUANCES. Any person who desires a continuance of any proceeding before the commission shall, as soon as facts requiring such continuance come to his/her knowledge, notify the commission. The notice shall identify the interest of the person in the proceeding as well as the reasons why such continuance is necessary. The commission, or presiding officer in a formal hearing, on passing upon a request for a continuance shall consider whether such request was promptly made. Except in cases of hardship or unless good cause is shown, no such continuance shall be granted unless such a request is made to the commission at least three days preceding the date upon which the matter is set for hearing. The commission may grant such a continuance and may at any time order a continuance upon its own motion. During the proceeding, if it appears in the public interest that further testimony or argument should be received, the presiding officer may in his/her discretion continue the hearing and fix the date for introduction of additional testimony or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. The granting of a continuance by the commission may result in a concurrent suspension of the effective date of proposed rates or the setting of a temporary rate.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-201 CLASSIFICATION OF PARTIES. Parties to proceedings before the commission shall be styled applicants, intervenors, petitioners, ~~((or))~~ protestants or staff, according to the nature of the proceeding and the relationship of the parties thereto.

(1) Applicants: Hospitals applying for any right or authority from the commission, including an approved rate, rate schedule, or other charges, or any change therein, or the reconsideration of an informal hearing decision shall be styled "applicants." Hospitals shall maintain their status as a party and shall continue to be styled "applicants" where their budgets have been approved at an informal hearing and another party requests and is granted reconsideration of the decision at the informal hearing.

(2) Intervenors: Persons permitted to intervene, as hereinafter provided, shall be styled "intervenors."

(3) Petitioners: Persons petitioning for opportunity to intervene, or for other relief shall be styled "petitioners."

(4) Protestants: Persons ~~((including the staff))~~ opposing petitions or applications or seeking the disapproval or modification of requests therein shall be styled "protestants."

(5) Staff: Staff of the commission who may be a party to any proceeding without the necessity of formal pleading or intervention.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-220 RULES OF EVIDENCE. (1) General: In accordance with the provisions of RCW 70.39.160(3), formal rules of evidence shall not apply to matters coming before the commission. During informal and formal hearings, the commission, in its discretion, either with or without objection, shall determine whether testimony or evidence presented to it for consideration is admissible for consideration. Generally, ~~((the commission will consider))~~ any relevant testimony or other evidence presented ~~((to it in an informal hearing))~~ will be considered. When objection is made to the admissibility of evidence, such evidence may be received subject to later ruling by the commission. Parties objecting to the introduction of evidence shall state the grounds of such objections at the time such evidence is offered. In any hearing the presiding officer may, in his/her discretion, either with or without objection, order cumulative evidence discontinued.

(2) Official notice: In addition to matters which courts of this state may take judicial notice and those matters specified in WAC 1-08-370 and 1-08-380, official notice may be taken of the following matters by the commission in informal hearings, and by the presiding officer or hearing examiner in formal hearings, respectively:

- (a) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;
- (b) Contents of certificates, permits and licenses issued by the commission or other governmental agencies;
- (c) Rates, classifications, and schedules established or approved by the commission.

In addition, upon request by all parties, official notice may be taken of the results of the commission's own inspection of the physical conditions involved. Official notice may be taken of the results of previous commission experience in similar situations, and the general information concerning the subject which goes to make up the commission's fund of expert knowledge. Where official notice is taken of any matter, the findings of fact shall so specify and shall state the basis upon which notice is taken.

(3) Resolutions: Resolutions, properly authenticated, of the governing bodies of cities, towns, other municipal corporations, and of comprehensive health planning agencies and associations of hospitals will be received in evidence. Such resolution shall be received subject to rebuttal by adversely affected parties as to either the authenticity of the resolution or the circumstances surrounding its procurement. Recitals of facts contained in resolutions shall not be deemed proof of those facts.

#### NEW SECTION

WAC 261-40-250 FILING AND SERVICE. (1) Filing with the commission: Documents shall be deemed filed upon actual receipt by the commission either at an official meeting of the commission or at its administrative office as described in WAC 261-02-040(3).

(2) Service—By whom. The commission shall cause to be served all orders, notices, and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

(3) Service—Manner and timing. Service of pleadings and other documents shall be made by delivering one copy to each party in person or by mail, properly addressed with postage prepaid. Except as otherwise provided, when any party has appeared by an attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings and other documents. Service of pleadings and other documents shall be deemed complete when a true copy of such document, properly addressed and stamped, is deposited in the United States mail. Attorneys or authorized representatives withdrawing from a proceeding shall immediately so notify the commission and all parties to the proceeding.

#### AMENDATORY SECTION (Amending Order 84-05, Resolution No. 84-05, filed 10/1/84)

WAC 261-40-315 COMMISSION RIGHT TO TERMINATE INFORMAL HEARING. The commission may terminate an informal hearing at any time either to protect substantial rights of the public, a hospital, or the commission or its staff; or, in connection with an annual budget submittal before it for review, to assure all purchasers of that hospital's health care services that total hospital costs are reasonably related to total services, that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that hospital rates are reasonably related to aggregate costs, and that rates are set equitably among all purchasers of these services without undue discrimination. Whenever an informal hearing is so terminated, the commission shall attempt to give advance notice of such action to the hospital, staff, and public, but it is not required to do so. In the event an informal hearing is so terminated, the commission ~~((shall immediately schedule a formal hearing regarding the annual budget submittal previously being reviewed in the informal))~~ may, in its discretion, continue the informal hearing to a later date or set the matter for a formal hearing.

#### AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-400 OPPORTUNITIES FOR FORMAL HEARINGS. ~~((+))~~ Petition for reconsideration of informal hearing decision: A hospital or other person that has been aggrieved by a final decision of the commission in an informal hearing, may petition the commission for a reconsideration of its decision through a formal hearing process. Such petition shall state in detail the issues or portions of the commission's informal hearing decision that should be reconsidered by the commission, together with the reasons therefor. The petition must be filed with the commission within thirty days after service of the final decision and order in the informal hearing.

~~((2) As initial hearing on hospital's annual budget submittal: A hospital may submit its annual budget submittal to the commission, together with a petition that it be considered initially in a formal~~

~~hearing rather than informal hearing pursuant to Part III of this chapter:))~~

#### AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-405 COMMISSION ACTION ON PETITION FOR FORMAL HEARING. (1) General: At its earliest opportunity the commission shall consider and approve or deny a petition submitted pursuant to WAC 261-40-400~~((+))~~ and ~~shall approve a petition submitted pursuant to WAC 261-40-400(2))~~.

(2) Criteria for denial of WAC 261-40-400~~((+))~~ petition: A petition submitted to the commission pursuant to WAC 261-40-400~~((+))~~ may be denied on the following grounds:

(a) The petition is frivolous;

(b) The petitioner has not been aggrieved by the commission's informal hearing decision or has been aggrieved to such a minor amount that reconsideration is not justifiable;

(c) The reasons for reconsideration stated in the petition do not justify reconsideration;

(d) The petition was not timely filed.

(3) Notice of commission action: The petitioner and all other parties shall be notified in writing of the commission's action regarding the petition, together with the reasons therefor, following such action.

(4) Effect of commission action:

(a) No stay of enforcement or effect of the informal hearing decision: Neither the filing with the commission pursuant to WAC 261-40-400~~((+))~~ nor the granting of a petition for reconsideration through the formal hearing process of all or any portions of a decision by the commission made in an informal hearing, shall stay enforcement or the effect of the commission's decision in the informal hearing.

(b) De novo hearing on reconsideration: Issues included in the petition for formal hearing reconsideration shall be considered on a de novo basis by the commission.

(c) Reviewability of action: A decision by the commission denying a petition for reconsideration submitted pursuant to WAC 261-40-400~~((+))~~ shall be the final decision of the commission for purposes of judicial review under chapter 34.04 RCW.

#### AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-410 ~~((HEARING EXAMINER))~~ PRESIDING OFFICER. ~~((The commission, upon motion, may designate one of its members, or appoint a nonmember, as a hearing examiner, who shall act on behalf of the commission and serve as the presiding officer in any formal hearing before the commission until such time as he/she has filed with the commission and served on all parties a copy of his/her proposed order.~~

~~The hearing examiner shall have all the procedural rights and duties of the commission when presiding in a formal hearing:))~~ A formal hearing shall be presided over by the commission or by an administrative law judge assigned under chapter 34.12 RCW. Where an administrative law judge presides, he or she shall have all the procedural rights and duties of the commission and shall issue a proposed decision, including proposed findings of fact and conclusions of law.

#### AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-435 FORMS. A hospital applying to the commission for the approval of a rate, rate schedule, other charges, or any change therein as described in its annual budget submittal, shall submit to the commission such information as the commission shall require pursuant to chapter 70.39 RCW and WAC ~~((261-30-040))~~ 261-20-040. In addition, such hospital, as well as any other party shall generally adhere to the following form in connection with such action before the commission:

At the top of the page shall appear the wording "Before the Washington state hospital commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the application of (name of hospital) for the approval of hospital rates." Opposite the foregoing caption shall appear the type of pleading (e.g., "application," "response," etc.).

The body of the pleading shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the party submitting the pleading. The second paragraph shall set out all statutes or

rules that may be brought into issue by the pleading. Succeeding paragraphs shall set out the statement of facts relied upon. The concluding paragraphs shall contain the request for action sought by the party.

**AMENDATORY SECTION** (Amending Order 75-05, filed 11/10/75)

WAC 261-40-470 RECORD OF PROCEEDINGS. ~~((A full and complete record of all proceedings in any formal hearing had before the commission shall be taken down by a reporter appointed by the commission. In case of an action to review any order of the commission, a transcript of such testimony, together with all exhibits introduced, and of the record and proceedings in the cause, shall constitute the record of the commission.))~~ (1) The record in a formal hearing shall include:

- (a) All pleadings, motions, intermediate rulings;
- (b) Evidence received or considered;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof, objections, and rulings thereon;
- (e) Proposed findings and exceptions;
- (f) Any decision, opinion, or report by the officer presiding at the hearing.

(2) Oral proceedings shall be transcribed for purposes of commission decision pursuant to RCW 34.04.110, as now or hereafter amended, rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of reasonable costs thereof.

(3) All formal hearings shall be recorded by manual, electronic, or other type of recording device.

**AMENDATORY SECTION** (Amending Order 84-05, Resolution No. 84-05, filed 10/1/84)

WAC 261-40-480 BRIEFS. Briefs may be filed in any formal commission hearing by any interested party, and shall be filed by any party to the proceeding upon the request of the presiding officer, and within such time as shall he/she directs. The presiding officer may require the filing of all briefs within three days after the close of the hearing if he/she considers the proceeding to be such that an order should issue promptly; and in the case of matters requiring an immediate decision, he/she may require the parties, or their counsel, to present their arguments and authority orally at the close of the hearing, instead of by written brief. Briefs should set out the leading facts and conclusion which the evidence tends to prove, and point out the particular evidence relied upon to support such conclusion. Briefs may be printed multilithed, mimeographed, typewritten or otherwise mechanically reproduced (size 8 1/2" x 11"), and all copies shall be clearly legible. ~~((Ten))~~ Three copies of each brief shall be filed with the commission and copies thereof shall be served on all parties to the case, or their counsel, and proof of such service furnished to the commission ((in the manner provided by WAC 261-40-440(3)).

**AMENDATORY SECTION** (Amending Order 84-05, Resolution No. 84-05, filed 10/1/84)

WAC 261-40-485 ORDERS. (1) Preparation of proposed order: The presiding officer for a formal hearing shall prepare a proposed order including a concise statement of the nature and background of the proceeding, appropriate numbered findings of fact based exclusively on the record, conclusions of law, including citations of statutes and rules relied upon, and a decision regarding the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein; and the same shall be served upon all parties of record.

(2) Exceptions: Number filed and time for filing: ~~((Ten))~~ Three copies of exceptions to proposed orders must be filed with the commission and a copy must be served upon all other parties within twenty days from the date of ((issuance)) service of said order, unless a different time for filing is designated by the commission at or following the issuance of the proposed order. ((Proof of service must be made in accordance with WAC 261-40-440(3)).

(3) Exceptions: Who may file: Any party of record may file exceptions to the presiding officer's proposed order.

(4) Exceptions: Contents: Exceptions to proposed orders shall be specific and must be stated and numbered separately. Exceptions to findings of fact must be supported by a reference to that page or part of the record or in the alternative by a statement of the evidence relied

upon to support the exception, and shall be accompanied by a recommended finding of fact. Exceptions to conclusions of law must be supported by reference to the appropriate statute or regulation involved and shall be accompanied by a corrected conclusion of law. When exceptions are taken to conclusions in the summary portion of the proposed order there shall be included a statement showing the legal or factual justification for such exceptions, together with a statement showing how the alleged defect in the summary affects the findings of fact or conclusions of law, or the ultimate decision.

(5) Replies: ~~((Ten))~~ Three copies of a reply to exceptions must be filed with the commission and a copy served upon the excepting party within ten days of the date of service of the exceptions, unless a different time for filing is designated by the commission.

(6) Briefs and arguments supporting exceptions or replies: Briefs or written arguments supporting exceptions or replies thereto shall be attached to such documents and shall be served and filed in the same manner as provided in subsections (2) and (5). The commission may in its discretion hear oral arguments at a time and place to be designated by it upon notice to all affected parties.

(7) Final order: After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof as may be cited by the parties, a majority of the commission may affirm the proposed order by an appropriate final order, or it may make such changes as it deems necessary in its final order. A copy of the final decision and order and the accompanying findings and conclusions shall be served, as set out in WAC 261-40-250(3), on each party and each party's attorney of record, if any. The statutory time for judicial review under chapter 34.04 RCW shall not commence until the date of service of the commission's final order.

**AMENDATORY SECTION** (Amending Order 75-05, filed 11/10/75)

WAC 261-40-490 NO DISCUSSION OF PROCEEDING UNTIL DECISION. After the filing of an application or petition in a contested formal proceeding and prior to the issuance of a final order therein, no party to the proceeding or party's counsel, shall discuss the merits of such matter or proceeding with any commission member or with the presiding officer involved, unless reasonable notice is given to all parties who have appeared therein, to enable such parties to be present during such discussion. When, after filing of an application or petition and prior to the issuance of a final order thereon, letters are directed to the commission, or any member of its staff, regarding a formal proceeding, copies of such letters shall be mailed to all parties of record and proof of such service furnished to the commission. This section does not prohibit the use by the commission or the presiding officer of personal assistants or other staff of the commission who have not participated in the proceeding in any manner, who are not engaged for the commission in any investigative functions in the same or any current factually related case and who are not engaged for the commission in any prosecutory functions, as allowed pursuant to RCW 34.04.115, as now or hereafter amended.

**WSR 86-08-078**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1883—Filed April 2, 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 nursery grape stock certification, chapters 16-462 and 16-425 WAC.

This action is taken pursuant to Notice No. WSR 86-04-070 filed with the code reviser on February 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.14 RCW and is intended to administratively implement that statute.



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

APPROVED AND ADOPTED March 31, 1986.

Michael V. Schwisow  
Deputy Director

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 a 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))~~ any vine propagated from the foundation block that has been inspected and indexed virus-free in accordance with recommendations of Washington State University, and is identified by the number assigned to the original vines in the foundation from which it was propagated.

~~((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 to 10 feet in the row, and rows 10 feet apart, with 16 to 20 feet between varieties in the row. These spacing requirements will not apply to mother blocks established in a greenhouse.))~~ Plants of different varieties in the mother blocks shall be separated by a minimum of twelve feet in the row. The distance between rows of different varieties shall be a minimum of eight feet.

(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 or after digging and grading and ~~((must))~~ shall be apparently 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))~~ applicant 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 ~~((will authorize))~~ requires 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: Registered mother blocks	
	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 86-08-079  
PROPOSED RULES  
LOTTERY COMMISSION  
[Filed April 2, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 315-10-060	Official end of game.
Amd	WAC 315-32-040	Prizes for Lotto.
New	WAC 315-11-210	Definitions for Instant Game Number 21 ("Sun Dollars").
New	WAC 315-11-211	Criteria for Instant Game Number 21.
New	WAC 315-11-212	Ticket validation requirements for Instant Game Number 21;

that the agency will at 1:00 p.m., Friday, May 16, 1986, in the Red Lion Motor Inn, 2525 North 20th, Pasco, 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 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 16, 1986.

Dated: April 1, 1986  
By: Duane Kovacevich  
Deputy Director

**STATEMENT OF PURPOSE**

Title and Number of Rule Section(s) or Chapter(s): WAC 315-10-060 Official end of game; 315-32-040 Prizes for Lotto; 315-11-210 Definitions for Instant Game Number 21 ("Cash [Sun] Dollars"); 315-11-211 Criteria for Instant Game Number 21; and 315-11-212 Ticket validation requirements for Instant Game Number 21.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-10-060 changes the time limit for retailers to return tickets to the lottery from 30 to 90 days; 315-32-040 details how the remainder or shortages from the rounding process will be handled and changes the amount that the director may increase the cash value of a jackpot; 315-11-210 provides definitions of the terms used in Instant Game Number 21 rules; 315-11-211 sets forth criteria for Instant Game Number 21; and 315-11-212 states the ticket validation requirements for Instant Game Number 21.

Reasons Supporting the Proposed Rule(s): WAC 315-10-060, the lottery is currently overlapping instant games and it is impractical to require tickets be returned in 30 days; 315-32-040, the treatment of the remainder or shortage from the rounding process needed to be specified. The lottery no longer guarantees a minimum cash value in the jackpot. It was therefore necessary to change the method of increasing the cash value in the jackpot; 315-11-210, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-211 and 315-11-212; 315-11-211, licensed agents and players of Instant Game Number 21 need to know how the game will function. Specifying the criteria which apply to Instant Game 21 will provide this information; and 315-11-212, tickets for Instant Game Number 21 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets.

Agency Personnel Responsible for Drafting: Frank Edmondson, Contracts Specialist 3, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Mary G. Faulk, Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330, Duane Kovacevich, Deputy Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334, Jerald F. Long, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1065, and Earl D. Sedlik, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

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

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

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

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director, Washington State Lottery or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

**AMENDATORY SECTION** (Amending Order 83, filed 12/16/85)

WAC 315-10-060 OFFICIAL END OF GAME. (1) The director shall announce the official end of each instant game. A player may submit a low-tier winning ticket to the lottery retailer from whom the ticket was purchased or the lottery and a high-tier winning ticket to the lottery for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing a player must redeem a ticket which qualifies for entry into that grand prize drawing within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

(2) A lottery retailer may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) A lottery retailer must return to the lottery unsold lottery tickets for each game within ~~((thirty))~~ ninety days ~~((of))~~ after the official end of that game in order to receive credit from the lottery as provided for in director's instructions to lottery retailers or the interlocal cooperative agreement between the lottery and the state liquor control board. The lottery has no obligation to grant credit for tickets returned more than ~~((thirty))~~ ninety days after the official end of game.

**AMENDATORY SECTION** (Amending Order 90, filed 3/14/86)

WAC 315-32-040 PRIZES FOR LOTTO. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Lotto drawing distributed over the number of winning tickets in each category. The prize amount to be paid in the fourth prize category is a fixed value and shall be the same regardless of the number of fourth prize winners.

<u>WINNING COMBINATIONS</u>	<u>PRIZE CATEGORIES</u>	<u>ODDS OF WINNING (ONE PLAY)</u>
All six winning numbers in one play	First Prize (Jackpot)	1:7,059,052
Any five but not six winning numbers in one play	Second Prize	1:30,960
Any four but not five or six winning numbers in one play	Third Prize	1:670
Any three but not four, five, or six winning numbers in one play	Fourth Prize	1:42

(2) Prize allocation. The prize allocation consists of forty-five percent of Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: Prize pool—forty-three percent of Lotto revenue and prize reserve—two percent of Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence). The director may increase the cash value of the jackpot by an amount not to exceed the amount ~~((added to the jackpot from the prior week's sales))~~ in the prize reserve.

(b) Second prize. Ten percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Nineteen percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. All players who selected three of the six winning numbers in one play (in any sequence) will receive a free ticket of \$1.00 value for a future purchase of Lotto or Daily Number Game tickets.

(e) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(f) All prizes ~~((allocations))~~ will be rounded to nearest dollar. The remainder or shortages, if any, from the rounding process shall be placed in or taken from the prize reserve.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

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

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

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot

accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6), provided, fourth prize winning tickets submitted to the lottery for payment will receive \$1.00 in lieu of a free ticket.

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten annual payments, provided, if a cash value between \$250,000 and \$500,000 will fund a prize paid over twenty years of \$1,000,000 or more, the director may elect to pay the prize in twenty annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

**NEW SECTION**

WAC 315-11-210 DEFINITIONS FOR INSTANT GAME NUMBER 21 ("SUN DOLLARS"). (1) Play symbols: The following are the "play symbols": "FREE"; "\$2.00"; "\$5.00"; "\$10.00"; "\$20.00"; "\$100\$"; "\$1000"; and "10000." One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 0000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 21 constitute the "pack number" which starts at 0000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 21, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
FREE	TICKET
\$2.00	TWO\$
\$5.00	FIVE
\$10.00	TEN\$
\$20.00	TWENTY
\$50.00	FIFTY
\$100\$	HUNDRED
\$1000	ONE-THOU
10000	TEN-THOU

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 21, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

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

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the lower front of the stub (right) portion of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

**NEW SECTION**

WAC 315-11-211 CRITERIA FOR INSTANT GAME NUMBER 21. (1) The price of each instant game ticket shall be \$1.00.

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

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

- Three FREE play symbols – Win Free Ticket
- Three \$2.00 play symbols – Win \$2.00
- Three \$5.00 play symbols – Win \$5.00
- Three 10.00 play symbols – Win \$10.00
- Three 20.00 play symbols – Win \$20.00
- Three 50.00 play symbols – Win \$50.00
- Three \$100\$ play symbols – Win \$100.00
- Three 1,000 play symbols – Win \$1,000
- Three 10000 play symbols – Win \$10,000

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 21 set forth in WAC 315-11-212, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life. Qualifying entries from Instant Game Number 21 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

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

(ii) Collect stubs with a total of ten "W" stub play symbols. The stubs may be from Instant Game Number 19, "Three Cards Up," and/or Instant Game Number 20, "Cash Code," and/or Instant Game Number 21, "Sun Dollars."

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

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

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," WASHINGTON LOTTERY, TACOMA, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

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

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

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

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local

time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

- (a) \$21,000 cash; or
- (b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.
- (c) Selection of the cash prize or alternate prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.
- (d) Composition of the alternate prize package shall be at the discretion of the director.
- (e) Total cost to the lottery of the alternate prize package, including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.
- (f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.
- (7) The lottery, in conjunction with Instant Game Number 21, shall provide additional compensation for lottery retailers pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.
  - (a) The lottery shall provide additional compensation of \$2,100 to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.
  - (b) The compensation shall be provided to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing.
    - (c) The lottery retailers will be selected as follows:
      - (i) The \$2,100 will be divided equally between the number of stubs contained in the entry with each stub receiving one share.
      - (ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.
    - (d) The prize awarded to the lottery retailer(s) will be paid as follows:
      - (i) The amount received will be credited to any overdue balance owed the lottery.
      - (ii) The balance, if any, will be paid to the lottery retailer(s).
  - (8) Notwithstanding any other provisions of these rules, the director may:
    - (a) Vary the length of Instant Game Number 21 and/or
    - (b) Vary the number of tickets sold in Instant Game Number 21 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-212 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 21. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 21 all of the following validation requirements apply.

- (a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.
- (b) Each of the six play symbols must have a caption below and each must agree with its caption.

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

Play Symbols	15 point Archer font
Captions	5 x 12 Matrix font
Pack-Ticket Number	9 x 12 Matrix font
Validation Number	9 x 12 Matrix font
Retail Verification Code	7 x 12 Matrix font
Stub Play Symbols	9 x 12 Matrix font
Stub Number	5 x 11 Matrix font

- (d) Each of the play symbols and their captions, the validation number, pack-ticket number, retailer verification code, stub play symbols, and the stub number must be printed in black ink.
- (e) Each of the play symbols must be exactly one of those described in WAC 315-11-210(1) and each of the captions must be exactly one of those described in WAC 315-11-210(4).
- (f) Each of the stub play symbols must be exactly as described in WAC 315-11-210(7) and the stub number as described in WAC 315-11-210(8).
- (2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.
- (3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 86-08-080**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 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 other brands and grades, WAC 16-403-225.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 6, 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 May 6, 1986.

Dated: April 2, 1986  
 By: J. Allen Stine  
 Assistant Director

**STATEMENT OF PURPOSE**

Title: WAC 16-403-225 Other brands and grades.  
 Description of Purpose: To allow permanent registration of a private grade or brand.

Statutory Authority: Chapter 15.17 RCW.

Summary of Rules: Permits permanent registration of a private grade or brand after ten or more consecutive years of annual registration.

Agency Personnel to Contact: James R. Archer, Commodity Inspection Division, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504, phone (206) 753-5052.

These rules are proposed by the Department of Agriculture.

Agency Comments: None.

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

Small Business Impact Statement: None.

**AMENDATORY SECTION** (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-225 OTHER BRANDS AND GRADES. (1) Any person, firm or organization wishing to pack apples under any other grade or brand than according to the foregoing rules shall file a certified copy of the description of such grade or brand with the director of agriculture the year in which the apples so to be packed are grown; PROVIDED, That upon request of such person, firm, or organization, having reregistered such grade or brand for ten or more consecutive years, the grade or brand may be permanently registered.

(2) If such grade or brand is approved by the director of agriculture, apples may be packed under such grade or brand, instead of the official state grading rules and all boxes of apples so packed shall be marked with that grade or brand: PROVIDED, That private grades or brands for apples may only be registered and approved when they meet the specifications required of Washington fancy grade or better.

NOTE: Private grades do not meet marking requirements of U.S. Apple and Pear Act and shall not be used on export shipments.

**WSR 86-08-081**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1884—Filed April 2, 1986]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to horticulture inspection fees, chapter 16-400 WAC.

This action is taken pursuant to Notice No. WSR 86-04-029 filed with the code reviser on January 29, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.17 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 2, 1986.

By C. Alan Pettibone  
 Director

**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 ( <del>(and three)</del> )	\$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 ( <del>(and 3)</del> )	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 ( <del>(and three)</del> )	\$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 ( <del>(and 3)</del> )	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 ( <del>(and three)</del> )	\$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 .....

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 (( <del>and three</del> )) .....	\$6.00
District two .....	\$7.00
<u>District three .....</u>	<u>\$8.00</u>
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 (( <del>and three</del> )) .....	\$12.00
District two .....	\$14.00
<u>District three .....</u>	<u>\$18.00</u>
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 checkloading 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 (( <del>and three</del> )) .....	\$12.00
District two .....	\$14.00
<u>District three .....</u>	<u>\$18.00</u>
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 (( <del>and three</del> )) .....	\$12.00
District two .....	\$14.00
<u>District three .....</u>	<u>\$18.00</u>
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 ( <del>and three</del> ))	\$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 86-08-082

### EMERGENCY RULES

#### OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

[Order 8—Filed April 2, 1986]

I, Jacob E. Thomas, director of the Office of Archaeology and Historic Preservation, do promulgate and adopt at 111 West 21st Avenue, KL-11, Olympia, WA, the annexed rules relating to amendments to existing rules relating to the historic preservation grants advisory committee.

I, Jacob E. Thomas, 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 pursuant to the National Historic Preservation Act (PL 89-665) as amended, ten percent of OAHF's total grant award must be assigned to certified local governments and projects must be implemented by those certified local governments during FY86. To date, we have not received the state's grant award and time will not allow for a 30-day comment period if

funds are to be expended and projects underway in federal fiscal year 1986.

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 Office of Archaeology and Historic Preservation as authorized in chapter 27.34 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 April 2, 1986.

By Jacob E. Thomas  
Director

#### AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-010 PURPOSE. The purpose of this chapter is to establish an historic preservation grants advisory committee to assist the state historic preservation officer in the disbursement of grant funds as provided in RCW (~~(43.51A.090)~~) 27.34.230.

#### AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-020 DEFINITIONS. (1) Committee. Committee means the historic preservation grants advisory committee as established by this chapter, hereinafter referred to as the committee.

(2) State historic preservation officer. The state historic preservation officer is that person appointed pursuant to RCW (~~(43.51A.060)~~) 27.34.210 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(3) Historic preservation fund. The historic preservation fund means (~~the annual allocation~~) those moneys provided (~~that~~) the state by the federal government to fulfill the intent of the National Historic Preservation Act of 1966 (~~(PL89-665)~~), as amended.

(4) (~~Grants. Grant means a sum of money assigned from the historic preservation fund to accomplish a specific acquisition or development project.~~) Grant fund. Grant fund means a sum of money assigned by the SHPO or federal law from the historic preservation fund to a specified range of activities identified as allowable under National Park Service program guidelines.

(5) Proponent. Proponent means an individual or an organization requesting support from the grant fund for an activity for which the proponent has a matching amount identified as eligible under National Park Service program guidelines.

#### AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-040 COMPOSITION. The committee shall be composed of five (~~members~~):

~~A member of a minority race or legally cognizable group, an architect experienced in the rehabilitation of historic structures, a resident of eastern Washington,~~

~~and a resident of western Washington, both with an interest in historic preservation, and a member of the Washington state trust for historic preservation. Members shall serve staggered terms of three years and shall be appointed by the state historic preservation officer)) or more members selected from the membership of the advisory council on historic preservation as established in RCW 27.34.250. Should conflict of interest be apparent or should other disciplines associated with the grant activities in question be desirable, committee members may be selected without having been appointed to the advisory council. The term of appointment shall coincide with the term of appointment to the advisory council, but shall be one year for members not appointed to the advisory council. Members shall be appointed by the SHPO in consultation with the chairman of the advisory council.~~

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-050 DUTIES AND RESPONSIBILITIES. The committee shall have the following duties and responsibilities:

(1) To advise the SHPO in the selection and adoption of state criteria for the assignment of ~~((grants from the historic preservation))~~ amounts from the grant fund;

(2) To receive public testimony of applicants and others concerned with the distribution of ~~((historic preservation grants or their))~~ the grant fund or its administration generally, to evaluate those comments, and to make such recommendations as it deems necessary to the SHPO;

(3) To review the recommendations for ~~((grants))~~ assignments from the grant fund made by the staff of the SHPO, and to endorse or amend them;

(4) Following the review of ~~((grant))~~ proponent proposals and public testimony, to recommend to the SHPO the distribution of ((acquisition or development grants from the historic preservation fund)) amounts from the grant fund to proponent proposals; and

(5) In all its reviews and recommendations, to be consistent with federal program guidelines for the administration of the historic preservation fund.

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-060 PROCEDURES. The following is a statement of the general course and method followed in the assignment of a grant from the historic preservation fund.

(1) ~~((Interested persons and organizations))~~ Proponents submit applications to the office of archaeology and historic preservation on forms provided for the purpose;

(2) Application forms are reviewed by staff using criteria established by the committee and SHPO;

(3) Following staff review, a schedule of grant assignments is presented for consideration and evaluation by the committee.

(4) The committee, meeting in public, reviews the schedule in (3) above, hears such testimony as may be

appropriate, and establishes a priority for project funding;

(5) The committee forwards its priority to the SHPO ~~((for review prior to inclusion in the state's annual historic preservation fund request));~~

(6) The SHPO examines the priority developed by the committee, considers it in comparison with federal and state grant criteria and the state historic preservation plan, amends it if necessary, ~~((within his discretion;))~~ and directs ~~((its inclusion in the historic preservation fund request))~~ the distribution of the grant fund accordingly.

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-070 PUBLIC RECORDS AVAILABLE. All public records of the committee are available for public inspection and copying at the office of archaeology and historic preservation, pursuant to WAC 25-18-010 through 25-18-130. Financial information provided by ~~((grant applicants))~~ proponents for which confidentiality has been requested shall be exempt.

**WSR 86-08-083**

**PROPOSED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed April 2, 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 the amendment of rules, definitions, and risk classifications language contained in chapter 296-17 WAC applicable to workers' compensation insurance underwritten by the Department of Labor and Industries including the addition of a new subsection to WAC 296-17-310, general rules and instructions, the establishment of two new rules covering glass installation in buildings (WAC 296-17-52103) and insulation and/or sound-proofing material installation, NOC (WAC 296-17-52104); amendments to existing rules covering risk classification definitions applicable to carnival, sky cap, route food service, and fence erection industries; adding accident fund and medical aid base rates for the proposed new classifications, and the repeal of risk classification 4303 soap making (WAC 296-17-632);

that the agency will at 10:00 a.m., Friday, May 16, 1986, in the General Administration Building, First Floor, Large Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 30, 1986.

The authority under which these rules are proposed is RCW 51.04.020(1).

The specific statute these rules are intended to implement is RCW 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 16, 1986.

Dated: April 2, 1986  
By: Richard A. Davis  
Director

### STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): The proposals for rule changes which follow amend portions of chapter 296-17 WAC. This chapter pertains to the calculation, reporting, and collection of premiums for worker's compensation insurance coverage provided by the Department of Labor and Industries.

Statutory Authority: RCW 51.04.020 and 51.16.035.

Specific Statute that Rule is Intended to Implement: RCW 51.16.035.

Summary of the Rule(s): The purpose of these proposed rules is to make the following substantive changes in Title 296 WAC: Establish WAC 296-17-52103, risk classification 0511 to cover glass installation in buildings, and WAC 296-17-52104, risk classification 0512 to cover insulation and/or sound proofing materials installation, NOC, both previously included in WAC 296-17-520, risk classification 0505; WAC 296-17-310, general rules pertaining to the determination of proper risk classification assignment; WAC 296-17-505, revising the language pertaining to the classification for fence and parking meter erection and repair; WAC 296-17-536, a rule applicable to route food services, removing food preparation and reassigning same by analogy to risk classification 3905, WAC 296-17-618; WAC 296-17-555, a rule applicable to freight handlers, removing sky caps, red caps and baggage handlers working at bus and airline terminals; and reassigning same by analogy to the appropriate bus or airport operation classification; WAC 296-17-693 and 296-17-694, defining the scope of the classifications applicable to traveling carnivals; amendments to various sections to correct grammar and punctuation usage; and repeal WAC 296-17-632, applicable to soap making.

Reasons Supporting Changes: Revisions and/or amendments to existing rules and the establishment of new rules are intended to extend uniform treatment and equity to all affected employers. The changes being proposed are reflective of practices consistent with nationally recognized workers' compensation insurance practices.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): Joe Dear, Deputy Director, 753-6308; Allen Ziegler, Assistant Director; and Margaret Wimmer; Rates and Data Analysis Supervisor, General Administration Building, Olympia, Washington 98504, HC-281.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule(s): None.

These rules are not proposed 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.

Small Business Economic Impact Statement: This statement pertains to revisions to chapter 296-17 WAC proposed by the Department of Labor and Industries to become effective July 1, 1986, and is prepared to conform with section 3(2) and section 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-17 WAC presently defines 265 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance as well as rules governing the application of these risk classifications to businesses or occupations and provisions for an experience rating plan and insurance base rates applicable to each risk classification.

Treatment of Small Business Under Existing Rules: Risk classification definitions are keyed to the nature of an employer's business operations within this state and in certain cases individual employments, and are independent of business size. Once the number of risk classifications statistically supportable has been determined and the risks defined, base rates are developed for each risk classification. All new employers conducting like businesses are assigned into a common classification pool representative of their business undertaking and are assigned the same base rate. As experience is developed by each employer a modified rate as provided for in the experience rating plan is calculated. Those employers with a favorable past experience receive rate reductions while those employers with unfavorable past experience receive rate increases. Within the experience rating plan, small employers with loss-free record during the experience rating period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by imposing a maximum modification for loss-free firms of various sizes in WAC 296-17-890.

Effect of Proposed Revisions: Two new risk classification definitions are being proposed as well as modifications to existing rules covering classification definitions applicable to carnival, sky cap, route food service, and fence erection industries, and the repeal of WAC 296-17-632, risk classification 4303, soap manufacturing. These changes will not result in higher rates for any of the affected industries and in some cases will actually result in reduced costs to the employers.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Overview. Washington law (RCW 51.16.035) requires that the department of labor and industries classify all occupations or industries by degree of hazard. To accomplish this, the department has established approximately two hundred sixty basic classifications of risk

embracing the various industries within the state (the actual number may vary from year to year). These basic classifications are set forth in WAC 296-17-501 through 296-17-779. The general principles and objectives of the basic classification system are set forth in WAC 296-17-310.

The first step in determining the appropriate classification for an employer is to determine the nature of the employer's business being insured in this state. If the department determines that an employer's business consists of a single operation or a number of separate operations which normally prevail in that business then the single enterprise rule (WAC 296-17-380) is applicable. This rule provides that the department is to assign the single basic classification which most accurately describes the employer's entire enterprise. This process begins with the search for a basic classification which specifically describes the employer's business. If such a basic classification is found the process of assigning a basic classification is complete.

If the employers' business operation is not specifically described by any basic classification then the employer's business is to be classified as provided for in WAC 296-17-360 (assignment of classification by analogy). In classifying by analogy the department examines the process and hazard of the employer's business and compares it to that of other basic classifications with processes and hazards that are similar to those of the employer's business and assigns the most analogous classification on that basis.

In the event that a review of the employer's business operations indicates the possibility that the employer conducts more than one business within this state, a determination will be made as to whether any additional basic classifications should be assigned on the basis of the criteria set out in the multiple enterprise rule (WAC 296-17-390).

Once the employer's basic classification has been established, the department must determine whether additional classifications should be assigned to apply to specific employments within an employer's business such as the standard exception rule (WAC 296-17-440), the general exclusion rule (WAC 296-17-430), the special exception rule (WAC 296-17-441), or those indicated by the language of any applicable basic classifications that permit or require separate reporting of any operations within that business or industry.

(3) Premium payments - quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in WAC 296-17-480. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

((3)) (4) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

((4)) (5) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a basic medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the basic premium rate only, and the experience rating plan shall not apply to medical aid rates.

((5)) (6) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

((6)) (7) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded by language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

In the event an employer operates a secondary business within this state, multiple basic classifications can be assigned provided that the conditions set forth in WAC 296-17-390 "multiple enterprises" have been met.

((7)) (8) All operations. Each basic classification in this manual, other than classifications 4806, 4904, 5206, 6301, 6302, 6303, 7101, or the temporary help classifications 7104 through 7109, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

#### AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-320 GENERAL DEFINITIONS. For the purpose of interpretation of this manual, chapter 296-17 WAC, the following terms shall have the meanings given below:

(1) "Workers' compensation" means the obligation imposed upon an employer by the industrial insurance laws of the state of Washington, to insure the payment of benefits prescribed by such laws.

(2) "Risk" means and includes all insured operations of one employer within the state of Washington.

(3) "Classification" means a grouping of businesses or industries having common or similar exposures without regard to the ((the)) separate employments, occupations, or operations comprising the employer's work force.

(4) "Basic classification" shall be understood to have the same meaning as classification defined in subsection (3) of this section.

(5) "Exposure" means worker hours, worker days, payroll or other measure of the extent to which an employer's workers have been exposed to the hazards of a particular classification of employment.

(6) "Rate" means the amount of premium for each unit of exposure. All rates are rates per worker hour except where specifically provided otherwise in this manual.

(7) "Premium" means the sum derived from the application of the rates to the exposures in each classification, after application of any duly authorized experience modification, except where the rules of this manual indicate otherwise.

(8) Unless the context indicates otherwise, the words used in this manual shall have the meanings given in Title 51 RCW.

#### AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-420 GENERAL INCLUSIONS. All of the basic classifications in this manual, other than standard exceptions, include certain operations which would be classified separately if they were run as separate business undertakings. These operations are referred to as general inclusions and are included in the scope of each basic classification. The following operations are included in all basic classifications unless they are specifically excluded by the language of the basic classification.

(1) Aircraft travel by employees, other than members of the flying crew.

(2) Commissaries and restaurants for the employers' employees. Provided that such operations conducted in connection with construction, erection, lumbering, or mining operations shall be assigned to Code ((39-5)) 3905 "restaurants."

(3) Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases by the employers for use in their operations.

(4) Hospitals, medical facilities, or dispensaries operated by the employers for their employees.

(5) Printing, lithography, or similar operations of the employers when used exclusively for their own products.

(6) Maintenance or ordinary repair of the employer's building or equipment when performed by employees of the employer.

(7) Pick up and delivery when done by employees of the employer in connection with the business of the employer.

(8) Sales of all goods or products being manufactured by the employer.

(9) Warehousing, handling, packing, and shipping when done by an employee of the employer and done in connection with the business of the employer.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-505 CLASSIFICATION 0105.

((Parking meter installation  
Fence, all types, erection and repair—including wire mesh installation for slope protection:)) Fence erection and/or repair—metal or wood.  
Parking meter installation—report parking meter mechanism service and/or repair separately in risk classification 0606 (WAC 296-17-526), "vending or coin-operated machine service."  
Placement of wire mesh on slopes for slope protection.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-520 CLASSIFICATION 0505.

Construction, erection, alteration or repair of buildings, N.O.C.  
Gutters – installation, service or repair – on structures  
((Glass installation away from shop))  
Wallboard installation, plastering, stuccoing and lathing  
((Insulation or soundproofing materials installation, N.O.C.))  
Fixtures – cabinets, counters, drainboards, mantels, etc. installation  
Weather strip installation  
Hardwood floor installation and refinishing  
Door, door frame, sash, overhead door, siding installation framing and carpentry, N.O.C.  
Elevator door bucks – installation  
Mobile home set up including installation of skirting and awnings by contractor. Excludes mobile home set up by mobile home dealer rated under risk classification 3401 (WAC 296-17-579)  
Fire escapes and awnings – installation, erection, repair and removal outside buildings  
Decorative metal shutters – installation, erection and removal – no buntings  
Scaffolds, hod hoists, concrete and cement distributing towers, side-walk bridges and construction elevators, installation or removal  
Debris cleaning and removal and building clean-up after construction.

#### NEW SECTION

WAC 296-17-52103 CLASSIFICATION 0511.

Glass installation in buildings.  
This classification includes installation of window/door glass, plastic, or similar materials; skylights, mirrors, storm windows, and window sashes in buildings and residences. Report installation of auto glass separately in risk classification 1108 (WAC 296-17-53805) glass merchants.

#### NEW SECTION

WAC 296-17-52104 CLASSIFICATION 0512.

Insulation and/or sound proofing materials installation, N.O.C.  
This classification includes installation of weather strip and caulking, roof jacks, soffit ventilators, energy efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences. Report installation of windows separately in risk classification 0511 (WAC 296-17-52103) "glass installation—buildings" and energy auditors with no installation or delivery duties separately in risk classification 6303 (WAC 296-17-698) "outside sales—estimators."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-536 CLASSIFICATION 1101.

Anhydrous ammonia delivery  
Armoured car service  
Automobile delivery drive away, automobile repossessing  
Computer tape/accounting records delivery service  
Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.  
Delivery companies, deliver parcels and packages, no bulk merchandise  
Distribution of sample merchandise by vehicle  
Driver delivery sales, N.O.C.  
Drivers of sound trucks  
News agents or distributors of magazines, periodicals and telephone books, no retail dealer  
Route food services, excludes food preparation to be reported under risk classification 3905 (WAC 296-17-618)  
Septic tank and cesspool cleaning, excludes installation or repair  
Street sweeping, parking lot sweeping, portable chemical toilets servicing  
Street vending vehicles(~~(; route food services)~~).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53805 CLASSIFICATION 1108.

Auto glass merchants  
Glass merchants – including bending, grinding, beveling, silvering or tempering of plate or sheet glass  
((This classification excludes)) Report installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop ((which are rated subject to)) in risk classification ((0505)) 0511 (WAC ((296-17-520)) 296-17-52103).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-555 CLASSIFICATION 2002.

Freight handlers – packing, handling or shipping merchandise N.O.C.  
Refrigeration car, loading, unloading or icing  
This classification also includes employees engaged in repackaging of goods from damaged containers. ((This classification also includes sky caps, red caps and baggage handlers employed by a contractor operating a railroad, bus or airline terminal:))  
This classification excludes drivers which are to be separately ((rated)) reported under risk classification 1102 (WAC 296-17-537).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-64902 CLASSIFICATION 4810.

Farms – vegetables, N.O.C. including truck gardening for fresh market. This classification includes all ground preparation, growing husbandry and hand harvesting with the aid of a hand held cutting device such as a paring or cutting knife used in the harvest of broccoli or cauliflower and by hand alone as in the case of cucumbers.  
Separately rate vegetable crops such as bush beans, peas, sweet corn, potatoes and field carrots which are mechanically harvested in risk classification 4802 (WAC ((296-17-649)) 296-17-643)  
"Field crops, N.O.C.;" fresh vegetable packing operations rated under risk classification 2104 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification 3902 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-659 CLASSIFICATION 5001.

Firewood cutting – all woods operations  
Logging, N.O.C.  
Sawmill operations conducted in the woods in connection with logging operations  
Shake, shingle bolt and post cutting – all woods operations  
For the purposes of this rule, logging, N.O.C. shall be considered the complete operation, including such activities as falling and bucking,

skidding, yarding, loading, and maintenance of equipment except as otherwise provided and aircraft operations incident thereto  
See risk classification 5206 (WAC 296-17-675) for permanent yard operations.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-677 CLASSIFICATION 5301.

Accounting or bookkeeping firms  
Computer software or word processing services  
Court reporting firms  
Credit bureaus  
Employment agencies  
Law firms  
Management analyst or consulting firms, N.O.C.  
Secretarial or telephone answering services  
Temporary help agencies - administrative offices only  
Travel agencies

This classification includes clerical office and sales personnel  
Use of this classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-693 CLASSIFICATION 6207.

~~((Amusement device operators - traveling~~

~~Carnivals - traveling~~

~~Circuses - traveling~~

~~Fireworks exhibition~~

~~Rodeos - arena employees~~

~~This classification includes clerical office:))~~ Carnivals: Amusement rides and concessions, traveling. This classification includes drivers and all employees engaged in the set up and tear down of all mechanical and nonmechanical rides, concession booths, or stands (i.e., game, food, souvenir, etc.), mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival. Report carnival operations (i.e., ride operators, ticket takers and sellers, cooks, traveling clerical, game attendants, etc.) separately in risk classification 6208 (WAC 296-17-694) "carnival operations." Report winter quartering and permanent yard or shop operations separately in risk classification 5206 (WAC 296-17-675) "contractors permanent yard."

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-694 CLASSIFICATION 6208.

Amusement parks  
Carnival operations, N.O.C.  
Caves or caverns operation for exhibition purposes - including rides, ticket sellers, gate attendants  
Concessions - boats in parks  
Fairs  
Kiddie rides - permanent locations  
Miniature golf courses  
Race tracks, excluding parimutuel clerks and cashiers with no other duties which will be rated under risk classification 4904 (WAC 296-17-653) clerical office, N.O.C.  
Ranges - archery, ball, dart, golf  
Shooting galleries, air rifle - no firearms  
Shooting ranges - firearms  
Shows - animal  
Shows - flower, art  
This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-708 CLASSIFICATION 6404.

Florists stores wholesale/retail  
Balloon arrangement stores wholesale/retail  
Christmas tree sales - from lot/retail only  
This classification includes clerical office and sales personnel.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-710 CLASSIFICATION 6406.

Book, record, video stores - retail  
Camera/photo supplies stores - retail  
Candy, cigarette and tobacco stores - retail  
Coin and stamp stores - retail  
Coin operated arcades, excluding repair rated under risk classification 0606 (WAC 296-17-526)  
Drug stores - retail  
Dry cleaning - coin operated self service  
Fabric and yardage stores, yarn and needle work stores - retail  
Floor covering stores, carpet sample stores, retail - excluding installation which will be rated in risk classification 0502 (WAC 296-17-517)  
Laundromats, coin operated self service  
Microwave oven and stereo component stores - retail  
Musical instrument stores - retail, excluding piano((s)) or organ((s)) stores which will be rated in risk classification 6306 (WAC 296-17-701)  
News butchers or news/magazine stands - retail  
Office stationery stores, and office machinery stores including microcomputer and copy machines excluding repair  
Paint/wallpaper stores - retail  
Pawn shops  
Pet shops - retail including incidental pet grooming  
Private mailbox, safety deposit box or computer tape storage facilities  
Retail stores, N.O.C.  
Sewing machine stores - retail  
Sporting goods stores - retail  
Telephone stores - retail  
Variety and five and ten cent stores - retail  
Wine stores and retail liquor agencies; soft drink stores  
This classification includes clerical office and sales personnel, but excludes all on premise manufacturing of any kind, delivery drivers, outside installation, lunch counters and restaurant operations which are to be separately rated.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-761 CLASSIFICATION 7108.

Temporary help companies  
This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 0101 (WAC 296-17-501), 0102 (WAC 296-17-502), 0103 (WAC 296-17-503), 0104 (WAC 296-17-504), 0105 (WAC 296-17-505), 0106 (WAC 296-17-506), 0107 (WAC 296-17-50601), 0108 (WAC 296-17-50602), 0109 (WAC 296-17-507), 0206 (WAC 296-17-675), 0302 (WAC 296-17-511), 0401 (WAC 296-17-514), 0402 (WAC 296-17-515), 0403 (WAC 296-17-516), 0502 (WAC 296-17-517), 0504 (WAC 296-17-519), 0505 (WAC 296-17-520), 0508 (WAC 296-17-521), 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), 0511 (WAC 296-17-52103), 0512 (WAC 296-17-52104), 0604 (WAC 296-17-525), 0701 (WAC 296-17-528), 0804 (WAC 296-17-530), 0901 (WAC 296-17-532), 1002 (WAC 296-17-534), 1003 (WAC 296-17-535), 1004 (WAC 296-17-53501), 1101 (WAC 296-17-536), 1102 (WAC 296-17-537), 1109 (WAC 296-17-53806), 1703 (WAC 296-17-550), 1704 (WAC 296-17-551), 2105 (WAC 296-17-56401), 3506 (WAC 296-17-590), 4305 (WAC 296-17-634), 5206 (WAC 296-17-675), 6207 (WAC 296-17-693), 6609 (WAC 296-17-731), 6902 (WAC 296-17-747), 6904 (WAC 296-17-749), 6905 (WAC 296-17-750), 6907 (WAC 296-17-752), 7103 (WAC 296-17-756).

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-850 EXPERIENCE RATING PLAN—ELIGIBILITY AND EXPERIENCE PERIOD. (1) Eligibility. Each employer who has reported experience during more than one fiscal year of the "experience period" shall have his base rates multiplied by an "experience modification" calculated in accordance with the rules of this manual. The development of the "experience modification" as set forth in WAC 296-17-855 shall include losses and exposure reported in all risk classes: PROVIDED, That the "experience modification" determined in accordance with WAC 296-17-855 shall not apply to industrial insurance rates in the following classes: 0505 (WAC 296-17-520), 0506 (WAC 296-17-52001), 0507 (WAC 296-17-52002), ((and)) 0510 (WAC 296-17-52102), 0511 (WAC 296-17-52103), and 0512 (WAC 296-17-52104). Employer premiums in the foregoing classes shall be computed at base industrial insurance rates as set forth in WAC 296-17-895.

(2) Experience period. The "experience period" shall be the oldest three of the four fiscal years preceding the effective date of premium rates as set forth in WAC 296-17-895.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-875 TABLE I.

Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
4,350	4,350
4,606	4,500
5,553	5,000
8,030	6,000
11,786	7,000
18,153	8,000
23,346	8,500
31,308	9,000
81,725*	10,072
108,760**	10,260

\* Average death value  
 \*\* Maximum claim value

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios

Expected Loss Rates in Dollars Per ((Workman)) Worker Hour for Indicated Fiscal Year

CLASS	1982	1983	1984	D-RATIO
0101	.5199	.5341	.4957	.355
0102	.3492	.3587	.3325	.370
0103	.4312	.4429	.4095	.402
0104	.3579	.3676	.3421	.326
0105	.4377	.4498	.4176	.349
0106	.8370	.8599	.7974	.365
0107	.3769	.3872	.3589	.369
0108	.4134	.4247	.3928	.399
0109	.6829	.7016	.6531	.318
0201	.9545	.9807	.9110	.344
0202	1.0960	1.1261	1.0497	.302
0206	.4693	.4823	.4512	.256
0301	.2253	.2314	.2131	.455
0302	.6857	.7045	.6551	.332
0306	.2236	.2296	.2122	.406
0307	.2143	.2201	.2041	.371
0401	.8998	.9243	.8564	.376
0402	.5646	.5801	.5393	.336
0403	.6556	.6735	.6279	.301
0502	.4281	.4397	.4075	.377
0503	.2681	.2754	.2560	.336
0504	.4976	.5112	.4736	.377
0505	.5598	.5751	.5326	.383
0506	.7171	.7367	.6808	.407
0507	.7346	.7546	.6992	.376

CLASS	1982	1983	1984	D-RATIO
0508	.7537	.7742	.7167	.387
0509	.6496	.6674	.6227	.291
0510	.5598	.5751	.5326	.383
0511	.5598	.5751	.5326	.383
0512	.5598	.5751	.5326	.383
0601	.1863	.1914	.1769	.408
0602	.1959	.2012	.1865	.377
0603	.3351	.3442	.3190	.377
0604	.5134	.5275	.4891	.366
0606	.0945	.0970	.0898	.391
0607	.1230	.1264	.1168	.404
0608	.1863	.1914	.1769	.408
0701	.5174	.5316	.4948	.319
0803	.1761	.1809	.1674	.388
0804	.2863	.2941	.2733	.335
0901	.9565	.9827	.9121	.355
0902	.2689	.2761	.2564	.355
1002	.4664	.4792	.4433	.395
1003	.2733	.2808	.2604	.368
1004	.2733	.2808	.2604	.368
1005	1.1533	1.1849	1.0983	.371
1007	.0364	.0375	.0345	.468
1101	.2042	.2098	.1933	.441
1102	.4783	.4913	.4550	.383
1103	.1580	.1624	.1500	.408
1104	.2065	.2121	.1959	.415
1106	.0449	.0461	.0424	.457
1108	.2138	.2197	.2031	.399
1109	.4783	.4913	.4550	.383
1301	.1624	.1668	.1543	.392
1303	.0871	.0895	.0827	.414
1304	.0053	.0056	.0051	.395
1305	.1008	.1035	.0955	.433
1401	.3546	.3643	.3378	.367
1404	.2115	.2172	.2013	.373
1501	.1573	.1616	.1495	.393
1507	.1309	.1344	.1244	.391
1701	.9022	.9270	.8636	.307
1702	.9022	.9270	.8636	.307
1703	.2353	.2417	.2241	.368
1704	.2576	.2646	.2448	.394
1801	.3328	.3418	.3173	.357
2002	.2716	.2790	.2579	.408
2003	.1757	.1805	.1668	.411
2004	.3034	.3117	.2894	.350
2005	.1433	.1473	.1359	.420
2007	.1741	.1788	.1662	.338
2008	.1195	.1228	.1137	.382
2101	.2000	.2055	.1902	.389
2102	.1757	.1805	.1668	.411
2104	.0768	.0790	.0725	.503
2105	.3034	.3117	.2882	.403
2201	.1072	.1101	.1014	.445
2202	.1544	.1586	.1462	.436
2401	.2557	.2627	.2427	.414
2903	.3062	.3145	.2901	.429
2904	.3921	.4029	.3741	.345
2906	.1951	.2005	.1849	.435
2908	.3142	.3227	.2995	.356
3101	.3278	.3369	.3137	.311
3102	.2352	.2417	.2243	.358
3103	.2352	.2417	.2243	.358
3104	.2584	.2655	.2466	.346
3105	.3538	.3634	.3362	.395
3301	.3373	.3464	.3190	.454
3302	.2442	.2508	.2315	.426
3303	.1313	.1350	.1245	.432
3309	.1709	.1756	.1624	.396
3401	.1649	.1694	.1565	.403
3402	.1736	.1783	.1649	.404
3403	.0546	.0561	.0519	.389
3404	.2059	.2116	.1951	.434
3405	.0902	.0926	.0858	.380
3406	.0768	.0790	.0729	.429
3407	.1324	.1359	.1261	.366

CLASS	1982	1983	1984	D-RATIO	CLASS	1982	1983	1984	D-RATIO
3408	.0514	.0528	.0492	.327	5003	.5372	.5519	.5124	.352
3409	.0757	.0777	.0716	.440	5004	.2850	.2927	.2705	.411
3501	.1979	.2034	.1872	.454	5101	.3543	.3640	.3364	.408
3503	.1373	.1411	.1297	.472	5102	.5656	.5810	.5374	.397
3505	.2138	.2197	.2031	.399	5103	.4873	.5005	.4640	.371
3506	.2673	.2746	.2552	.340	5104	.2450	.2517	.2330	.388
3508	.1507	.1548	.1424	.463	5106	.2450	.2517	.2330	.388
3601	.0385	.0395	.0364	.439	5107	.1704	.1750	.1618	.405
3602	.0385	.0395	.0364	.439	5108	.3172	.3258	.3021	.368
3603	.2038	.2093	.1929	.444	5109	.2364	.2428	.2245	.400
3604	.3719	.3820	.3538	.382	5201	.1704	.1750	.1618	.405
3605	.1343	.1381	.1278	.389	5204	.6525	.6702	.6173	.450
3606	.2689	.2761	.2564	.355	5205	.3172	.3258	.3021	.368
3701	.0859	.0883	.0816	.388	5206	.1847	.1897	.1760	.358
3702	.2203	.2263	.2091	.412	5207	.0557	.0572	.0527	.437
3706	.0859	.0883	.0816	.388	5208	.3023	.3105	.2879	.369
3707	.1592	.1635	.1509	.430	5209	.2324	.2387	.2209	.398
3708	.0890	.0915	.0843	.441	5301	.0071	.0073	.0067	.411
3801	.1174	.1206	.1118	.369	5305	.0120	.0123	.0114	.403
3802	.0707	.0727	.0669	.450	5306	.0141	.0145	.0134	.404
3803	.0707	.0727	.0669	.450	5307	.0871	.0894	.0825	.433
3805	.0707	.0727	.0669	.450	6103	.0136	.0139	.0128	.423
3806	.0707	.0727	.0669	.450	6104	.1560	.1602	.1484	.381
3808	.0793	.0814	.0752	.421	6105	.0909	.0934	.0862	.416
3809	.0890	.0915	.0843	.441	6106	.0909	.0934	.0862	.416
3901	.1391	.1429	.1321	.409	6107	.0680	.0698	.0649	.337
3902	.2667	.2740	.2534	.403	6108	.1757	.1804	.1652	.518
3903	.3760	.3863	.3574	.391	6109	.0158	.0162	.0150	.465
3904	.2667	.2740	.2534	.403	6201	.0685	.0704	.0651	.401
3905	.0561	.0576	.0528	.509	6202	.2825	.2902	.2686	.389
3906	.2022	.2076	.1920	.402	6203	.0520	.0534	.0495	.388
3909	.0717	.0736	.0676	.481	6204	.0570	.0586	.0539	.456
4002	.2970	.3051	.2828	.373	6205	.0570	.0586	.0539	.456
4101	.0556	.0571	.0526	.439	6206	.0570	.0586	.0539	.456
4103	.1034	.1062	.0980	.431	6207	.3226	.3314	.3058	.426
4104	.0556	.0571	.0526	.439	6208	.1121	.1152	.1070	.349
4107	.0295	.0303	.0280	.403	6209	.0792	.0813	.0749	.456
4108	.0556	.0571	.0526	.439	6301	.0508	.0521	.0485	.339
4109	.0556	.0571	.0526	.439	6302	.0716	.0735	.0681	.392
4201	.2166	.2225	.2062	.370	6303	.0191	.0197	.0182	.402
4301	.3314	.3405	.3133	.457	6304	.0542	.0557	.0516	.356
4302	.3264	.3352	.3093	.433	6305	.0243	.0249	.0230	.421
4303	.3541	.3638	.3360	.417	6306	.0764	.0784	.0725	.419
4304	.2798	.2875	.2657	.407	6307	.0325	.0333	.0308	.455
4305	.5217	.5359	.4952	.410	6308	.0169	.0173	.0160	.362
4401	.1853	.1903	.1759	.409	6309	.0404	.0415	.0381	.452
4402	.2445	.2512	.2334	.345	6401	.0325	.0333	.0308	.455
4404	.1757	.1805	.1668	.411	6402	.0991	.1017	.0939	.428
4501	.0526	.0541	.0502	.332	6403	.0591	.0607	.0558	.483
4502	.0217	.0222	.0206	.360	6404	.0209	.0215	.0200	.383
4503	.0265	.0272	.0251	.426	6405	.1762	.1810	.1669	.433
4504	.0265	.0272	.0251	.426	6406	.0325	.0333	.0308	.455
4601	.2097	.2154	.2009	.298	6407	.0767	.0788	.0726	.455
4802	.0986	.1013	.0935	.419	6408	.1310	.1345	.1245	.397
4803	.1158	.1190	.1093	.479	6409	.1958	.2012	.1867	.353
4804	.2345	.2409	.2224	.421	6501	.0175	.0181	.0166	.444
4805	.1222	.1256	.1156	.450	6502	.0062	.0063	.0059	.435
4806	.0305	.0312	.0287	.453	6503	.0540	.0555	.0518	.253
4807	.5598	.5751	.5326	.383	6504	.0706	.0726	.0666	.499
4808	.1346	.1383	.1274	.446	6505	.0763	.0783	.0723	.418
4809	.0825	.0847	.0779	.460	6506	.0187	.0192	.0177	.379
4810	.0429	.0440	.0405	.447	6507	.1282	.1318	.1215	.429
4811	.1158	.1190	.1093	.479	6508	.1282	.1318	.1215	.429
4812	.0986	.1013	.0935	.419	6509	.0711	.0730	.0670	.486
4901	.0270	.0278	.0258	.351	6601	.0998	.1025	.0947	.423
4902	.0601	.0617	.0570	.426	6602	.1860	.1911	.1763	.422
4903	.0270	.0278	.0258	.351	6603	.0972	.0999	.0920	.447
4904	.0065	.0067	.0062	.467	6604	.0308	.0316	.0293	.384
4905	.1082	.1111	.1021	.487	6605	.0812	.0835	.0770	.414
4906	.0219	.0225	.0207	.439	6607	.0559	.0574	.0530	.410
4907	.0439	.0451	.0417	.387	6608	.1268	.1304	.1206	.390
4908	.0447	.0458	.0424	.399	6609	.6942	.7130	.6538	.506
4909	.0447	.0458	.0424	.399	6704	.0725	.0745	.0689	.396
5001	1.6308	1.6754	1.5557	.349	6705	.2021	.2076	.1906	.486
5002	.1680	.1726	.1593	.424	6706	.1142	.1173	.1087	.386



CLASS	1982	1983	1984	D-RATIO	Rates Effective January 1, 1986	
					Accident Fund Base Rate	Medical Aid Fund Rate
6707	3.43*	3.52*	3.22*	.541		
6708	4.0644	4.1756	1.3131	.399		
6709	.0505	.0519	.0478	.475		
6801	.2817	.2894	.2668	.435		
6802	.1580	.1623	.1497	.436		
6803	1.4564	1.4967	1.4052	.213		
6804	.0926	.0952	.0884	.359		
6809	.7411	.7611	.6981	.500		
6902	.4621	.4748	.4427	.296		
6903	1.8297	1.8799	1.7510	.311		
6904	.1408	.1447	.1340	.382		
6905	.1408	.1447	.1340	.382		
6907	.4885	.5018	.4651	.373		
6908	.1965	.2019	.1864	.425		
6909	.0339	.0347	.0322	.383		
7101	.0182	.0187	.0173	.392		
7102	5.36*	5.50*	5.06*	.458		
7103	.0812	.0834	.0772	.388		
7104	.0161	.0166	.0154	.397		
7105	.1173	.1205	.1108	.473		
7106	.2074	.2131	.1967	.414		
7107	.2898	.2977	.2756	.387		
7108	.7022	.7213	.6661	.418		
7109	1.8997	1.9515	1.8054	.395		
7201	.0855	.0878	.0806	.496		
7202	.0221	.0228	.0211	.363		
7203			.0139	.393		
7301	.1626	.1671	.1541	.429		
7302	.1613	.1656	.1524	.466		
7307	.1588	.1631	.1496	.500		
7308	.0781	.0803	.0743	.395		
7309			.0480	.448		

\*Daily expected loss rate

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
0101	.9173	.5169
0102	.6174	.4560
0103	.7655	.6175
0104	.6290	.3849
0105	.7717	.6070
0106	1.4788	.8458
0107	.6661	.4174
0108	.7336	.4215
0109	1.1993	.8514
0201	1.6817	.9508
0202	1.9203	1.1604
0206	.8173	.5813
0301	.4026	.3279
0302	1.2063	.5353
0306	.3970	.3411
0307	.3789	.3782
0401	1.5919	1.0394
0402	.9938	.9604
0403	1.1485	.6861
0502	.7586	.4606
0503	.4718	.4490
0504	.8805	.5379
0505	.9137	.6347
0506	1.1739	.8218
0507	1.1977	.7983
0508	1.3353	.8480

Rates Effective January 1, 1986			Rates Effective January 1, 1986		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
3404	.3672	.3178	5004	.5065	.5406
3405	.1596	.1342	5101	.6294	.4727
3406	.1369	.2021	5102	1.0034	.7765
3407	.2339	.2349	5103	.8614	.5999
3408	.0904	.0870	5106	.4341	.4392
3409	.1349	.1435	5108	.5605	.5122
3501	.3538	.3857	5109	.4195	.3078
3503	.2459	.2698	5201	.3026	.2468
3506	.4707	.2994	5204	1.1653	.4432
3508	.2697	.2698	5206	.3259	.2749
3602	.0686	.0699	5207	.0992	.1058
3603	.3638	.3640	5208	.5343	.5376
3604	.6585	.4611	5209	.4124	.4125
3605	.2381	.2224	5301	.0125	.0148
3606	.4743	.3868	5305	.0213	.0218
3701	.1522	.1652	5306	.0250	.0189
3702	.3916	.2700	5307	.1552	.1253
3707	.2836	.2349	6103	.0242	.0304
3708	.1589	.1483	6104	.2761	.2224
3801	.2075	.1957	6105	.1617	.1731
3802	.1264	.1179	6107	.1196	.1192
3808	.1411	.1315	6108	.3164	.2530
3901	.2471	.1790	6109	.0283	.0256
3902	.4736	.3360	6201	.1216	.1205
3903	.6666	.7020	6202	.5007	.3374
3905	.1009	.1278	6203	.0922	.0904
3906	.3588	.3079	6204	.1019	.1160
3909	.1286	.1593	6205	.1019	.1160
4002	.5252	.3237	6206	.1019	.1160
4101	.0990	.1090	6207	.5744	.8664
4103	.1843	.2054	6208	.1976	.1791
4107	.0524	.0633	6209	.1475	.2161
4108	.0990	.1090	6301	.0894	.0653
4109	.0990	.1090	6302	.1269	.0942
4201	.3828	.2498	6303	.0340	.0304
4301	.5925	.4942	6304	.0956	.0800
4302	.5817	.4964	6305	.0431	.0529
4303	.6299	.6048	6306	.1359	.1686
4304	.4970	.3650	6308	.0297	.0206
4305	.9271	.4991	6309	.0721	.0937
4401	.3292	.2498	6402	.1764	.1341
4402	.4308	.3295	6403	.1061	.1122
4404	.3123	.2536	6404	.0371	.0425
4501	.0926	.0847	6405	.3140	.3086
4502	.0382	.0293	6406	.0581	.0597
4504	.0472	.0703	6407	.1371	.1333
4601	.3673	.5125	6408	.2324	.2582
4802	.1754	.1470	6409	.3454	.3746
4803	.2077	.2489	6501	.0313	.0281
4804	.4172	.3323	6502	.0110	.0135
4805	.2184	.1961	6503	.0939	.0432
4806	.0544	.0586	6504	.1270	.1743
4808	.2403	.2794	6505	.1357	.1181
4809	.1475	.1328	6506	.0331	.0338
4810	.0765	.0748	6508	.2285	.2158
4811	.2077	.2489	6509	.1275	.1344
4812	.1754	.1470	6601	.1776	.1669
4901	.0476	.0620	6602	.3310	.2291
4902	.1069	.1003	6603	.1737	.1546
4903	.0476	.0620	6604	.0545	.0483
4904	.0118	.0134	6605	.1444	.1425
4905	.1942	.1628	6607	.0992	.1058
4906	.0391	.0410	6608	.2249	.1427
4907	.0777	.0630	6609	1.2487	1.2925
4908	.0793	.1411	6704	.1286	.1338
4909	.0793	.1411	6705	.3627	.4622
5001	2.8752	1.6948	6706	.2024	.2026
5002	.2991	.3017	6707	6.20*	9.85*
5003	.9474	.4241	6708	1.4425	1.2045

Rates Effective  
January 1, 1986

Class	Accident Fund Base Rate	Medical Aid Fund Rate
6709	.0906	.1154
6801	.5022	.2792
6802	.2817	.2995
6803	2.5217	1.6950
6804	.1636	.1729
6809	1.3320	2.2747
6901	-	.0617
6902	.8090	.3933
6903	3.2097	2.9630
6904	.2495	.2183
6905	.2495	.2183
6906	-	.2183
6907	.8637	.6291
6908	.3499	.2356
6909	.0600	.0597
7101	.0323	.0281
7102	9.58*	29.77*
7103	.1438	.1215
7104	.0287	.0229
7105	.2103	.1597
7106	.3687	.2943
7107	.5135	.4510
7108	1.2490	.8698
7109	3.3693	2.4258
7201	.1536	.1266
7202	.0391	.0325
7203	.0728	.0631
7204	-	-
7301	.2898	.3366
7302	.2886	.3378
7307	.2853	.3411
7308	.1386	.1355
7309	.0906	.1154

\*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

**AMENDATORY SECTION** (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-920 ASSESSMENT FOR SUPPLEMENTAL PENSION FUND. The amount of 20.9 mills (\$.0209) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. Provided that in classifications ((67-7)) 6707 and ((71-2)) 7102, the employer shall retain sixteen cents per day from each worker and in classification ((67-8)) 6708 the employer shall retain 2.1 mills (\$.0021) per hour to be reported for premium calculation under WAC 296-17-350(8) from each worker. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-17-632 Classification 4303.

**WSR 86-08-084**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2360—Filed April 2, 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 Food stamps—Voluntary quit, amending WAC 388-54-677.

This action is taken pursuant to Notice No. WSR 86-05-028 filed with the code reviser on February 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 2, 1986.

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

**AMENDATORY SECTION** (Amending Order 2222, filed 4/8/85)

✓ WAC 388-54-677 VOLUNTARY QUIT. No applicant or recipient household whose primary wage earner voluntarily quit his or her most recent job without good cause shall be eligible for participation in the program. Consequences of the primary wage earner quitting his or her job without good cause shall be explained at the time of application. Benefits shall not be delayed beyond normal processing time pending the outcome of voluntary quit determination.

(1) Voluntary quit applies if any currently unemployed household member required to register for full-time work has quit his or her most recent job without good cause within the last sixty days and the employment involved twenty hours or more weekly or provided weekly earnings equal to federal minimum wage multiplied by twenty.

(a) An employee of the federal, state, or local government participating in a strike against such government and dismissed from that job because of participation in a strike, shall be considered to have voluntarily quit a job without good cause.

(b) Changes in employment status resulting from reducing hours of employment, while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered as a voluntary quit for purpose of this subsection.

(2) Voluntary quit applies to the household's primary wage earner. The primary wage earner shall be that household member age eighteen or over acquiring the

greatest amount of earned financial support for the household at the time of the quit.

(3) The CSO determines if the voluntary quit was without good cause. See WAC 388-54-675 (7)(a) for ~~((explanation-of))~~ reasons for good cause. Good cause for leaving employment shall also include:

(a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;

(b) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(c) Acceptance by the primary wage earner of employment, or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions in WAC 388-54-670(2), requiring the primary wage earner to leave employment;

(d) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the primary wage earner to leave employment;

(e) Resignations by persons under the age of sixty recognized by the employer as retirement;

(f) Employment becoming unsuitable by not meeting the criteria specified in WAC ~~((388-54-675(7)))~~ 388-54-676(3) after the acceptance of such employment;

(g) Acceptance of a bona fide offer of employment of more than twenty hours a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(h) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

(4) If the quit is without good cause, the household's application shall be denied for a period of ninety days beginning with the day of ~~((application:))~~ quit. The household shall be advised of the reason for the denial, period of disqualification, rights to reapply, and right to request a fair hearing.

(5) If the quit without good cause occurs in a participating household, provide notice of adverse action to the household within ten days of the determination of voluntary quit. A participating household shall be disqualified for three months. Those households leaving the program before the sanction can be imposed shall receive the sanction when the household reapplies. The

adverse action notice shall be the same as for an applicant household. If a participating household requests a fair hearing to appeal the sanction and the CSO is upheld, the sanction will begin the first of the month after the hearing decision is rendered.

(6) If the household member causing the sanction leaves the household, the sanction follows that member. The remaining household members are no longer sanctioned. The sanction does not apply to a household that a sanctioned member may join.

(7) If an application for participation in the food stamp program is filed in the third month of disqualification, the department shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month or months if all other eligibility criteria are met.

~~((7))~~ (8) The department shall request verification of the household's statements only to the extent the information given by the household is questionable:

(a) The primary responsibility for providing verification rests with the household;

(b) If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the department shall offer assistance to the household to obtain the needed verification;

(c) Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations;

(d) The department is responsible for obtaining verification from acceptable collateral contacts provided by the household;

(e) If the household and department are unable to obtain requested verification because the cause for the quit resulted from circumstances that for good reason cannot be verified, the household will not be denied access to the program.

**WSR 86-08-085**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2361—Filed April 2, 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 Chore services—Payment, amending WAC 388-15-213.

This action is taken pursuant to Notice No. WSR 86-05-006 filed with the code reviser on February 11, 1986. 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 April 2, 1986.

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

AMENDATORY SECTION (Amending Order 2165, filed 10/31/84)

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

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

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

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

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

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

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

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

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

(ii) The maximum hourly wage rate shall not exceed three dollars and ninety-five cents per hour.

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

MONTHLY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY	BASE MONTHLY RATE
(30 DAYS PER MONTH)		
16 - 24	up to \$ <del>((18.00))</del>	up to \$ <del>((540))</del>
	<u>18.50</u>	<u>555</u>
12 - 15	up to \$ <del>((16.00))</del>	up to \$ <del>((480))</del>
	<u>16.50</u>	<u>495</u>
8 - 11	up to \$ <del>((13.00))</del>	up to \$ <del>((390))</del>
	<u>13.50</u>	<u>405</u>

HOURS OF SERVICE PER DAY	PAYMENT PER DAY	BASE MONTHLY RATE
(30 DAYS PER MONTH)		
4 - 7	up to \$ <del>((8.40))</del>	up to \$ <del>((252))</del>
	<u>9.00</u>	<u>270</u>
2 - 3	up to \$ <del>((5.40))</del>	up to \$ <del>((162))</del>
	<u>6.00</u>	<u>180</u>
1	up to \$ 3.40	up to \$102

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

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

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

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

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

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

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

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

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

(f) When the client provides board and room or meals to the chore provider, the department may make a payment to partially reimburse the cost of this expense.

Payment is not made for a spouse provider. The payment shall not exceed an allowance established by the department and shall be prorated by days of service.

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

**WSR 86-08-086**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Order 2362—Filed April 2, 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 Hospitals—Personnel, amending WAC 248-18-040.

This action is taken pursuant to Notice No. WSR 86-05-005 filed with the code reviser on February 11, 1986. 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 74.41.030 [70.41.030] 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 April 2, 1986.

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

AMENDATORY SECTION (Amending Order 250, filed 11/18/82)

✓ WAC 248-18-040 PERSONNEL. (1) There shall be sufficient qualified personnel to properly operate each department of the hospital.

(2) The department of nursing shall be under the direction of a registered nurse. There shall be an adequate number of registered nurses on duty at all times.

(3) All nonprofessional employees performing nursing service functions shall be under the direct supervision of a registered nurse.

(4) Each employee shall have on employment (~~and annually thereafter~~) a tuberculin skin test by the Mantoux method. A ~~((positive)) nonsignificant (negative) skin test ((will consist of 10 mm))~~ is defined as less than ten millimeters of induration((, or greater,)) read at forty-eight to seventy-two hours. Employees with nonsignificant reactions to the first test who are thirty-five years of age or older shall have a second test one to three weeks after the first test. Significant (positive) reactors to either test shall have a chest x-ray within ((ninety)) thirty days. ((Records)) A record of test results, ((x-rays)) reports of x-ray findings, or exemptions to such ((will)) shall be kept in the facility. A copy of this record shall be supplied to the employee.

Exemptions:

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

(b) ~~((After entry, annual screening in the form of a skin test or chest x-ray shall not be required for reactors)) Facilities approved under WAC 248-18-245 to care for tuberculous patients and have had a confirmed tuberculous case within the last year shall annually tuberculin skin test employees who normally work in the approved area unless the employee has a documented significant reaction. Other facilities shall tuberculin skin test employees as deemed necessary for contact investigation by a local health officer.~~

(c) ~~((Positive reactors who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from testing.~~

(d) ~~An employee stating the tuberculin skin test by the Mantoux method would present a hazard to his or her health because of conditions peculiar to his or her own physiology may present supportive medical data to this effect to the tuberculosis control program, health services division, department of social and health services. The department will decide whether the waiver should be granted to the individual employee and will notify the employee accordingly. Any employee granted a waiver from the tuberculin skin test shall have a chest x-ray taken in lieu thereof.~~

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

**WSR 86-08-087**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF NATURAL RESOURCES**  
**(Board of Natural Resources)**  
[Memorandum—April 2, 1986]

The regular meeting of the Board of Natural Resources, Department of Natural Resources, scheduled for Tuesday, May 6, 1986, will be rescheduled to be held on Monday, May 12, 1986, in the Commissioner's Chambers, Courthouse Annex, Friday Harbor, Washington, 2:00 p.m.

**WSR 86-08-088**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed April 2, 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 hours of work, new WAC 356-15-085;

that the agency will at 10:00 a.m., Thursday, May 8, 1986, in the Board Hearing 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 the Fair Labor Standards Act.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 1986.

Dated: April 1, 1986  
By: Leonard Nord  
Secretary

STATEMENT OF PURPOSE

New WAC 356-15-085 Hours of work.

Statutory Authority: RCW 41.06.150.

Summary: WAC 356-18-010 is proposed for repeal and new WAC 356-15-085 is being proposed to remove the language from chapter 356-18 WAC to chapter 356-15 WAC. The language in the new proposed rule is the same as that in the rule being proposed for repeal.

Reasons: Pay issues of this type are grouped in chapter 356-15 WAC. This provision is a pay provision and is misplaced in chapter 356-18 WAC.

Responsibility for Drafting: Gail Salisbury, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 753-5383; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

NEW SECTION

WAC 356-15-085 HOURS OF WORK. Requirements regarding working hours shall be specified for all employees by each agency but shall not result in full time employment being compensated for less than forty hours per week.

WSR 86-08-089

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed April 2, 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:

- New WAC 356-05-231 Overtime rate.
- New WAC 356-05-237 Pay period.
- Amd WAC 356-15-040 (~~Overtime compensation for~~) T ravel time.
- Amd WAC 356-15-100 Call-back provisions and compensation for work preceding or following a scheduled workshift.
- Amd WAC 356-15-110 Call-back provisions and compensation for work on scheduled days off or holidays;

that the agency will at 10:00 a.m., Thursday, May 8, 1986, in the Board Hearing 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 the Fair Labor Standards Act.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 1986.

Dated: April 1, 1986  
By: Leonard Nord  
Secretary

STATEMENT OF PURPOSE

New WAC 356-05-231 Overtime rate.

Summary: Defines "overtime rate" to be one-and-a-half times the "regular rate."

Reasons: The Fair Labor Standards Act prescribes the calculation of overtime rates. Nothing in the present rule ties the references to overtime rates to the prescribed method of calculating them.

New WAC 356-05-237 Pay period.

Summary: Defines "pay period" in keeping with RCW definition.

Reasons: "Pay period" is a term used in the prescribed method of calculating overtime rates through the "regular rate." It has not been previously defined in the merit system rule.

Amend WAC 356-15-040 (~~Overtime compensation for~~) T ravel time.

Purpose: Authorizes agencies to pay for travel time if it is considered time worked.

Summary: Clarifies "time worked" to comply with Code of Federal Regulations 785.33 to 785.38, and provide a consistent policy within the merit system.

Reasons: The present rule would allow employers to withhold payment which is required under the Fair Labor Standards Act.

Statutory Authority: RCW 41.06.150.

Specific Statute: Fair Labor Standards Act.

Responsibility for Drafting: Gail Salisbury, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 753-5383; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-15-100 Call-back provisions and compensation for work preceding or following a scheduled workshift.

Purpose: Grants three hours straight time pay for each call-back.

Amend WAC 356-15-110 Call-back provisions and compensation for work on scheduled days off or holidays.

Purpose: Grants three hours of straight time pay for each call-back.

Statutory Authority: RCW 41.06.150.

Summary: Clarifies that straight time pay is the hourly basic salary as shown in the state compensation plan.

Reasons: The new definition of "regular rate" would have made the method of calculation ambiguous.

Responsibility for Drafting: Gail Salisbury, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 753-5383.

Proposed by: Department of Personnel, governmental agency.

**NEW SECTION**

WAC 356-05-231 OVERTIME RATE. One and one-half times the regular rate as defined in WAC 356-05-353.

**NEW SECTION**

WAC 356-05-237 PAY PERIOD. The first through the fifteenth day of each month, and the sixteenth through the last day of each month. (RCW 42.16.010)

**AMENDATORY SECTION** (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-040 (~~OVERTIME COMPENSATION FOR~~) TRAVEL TIME. Overtime compensation shall not be paid for travel time outside an employee's normal working hours except where such travel time, or a portion thereof, is considered to be time worked. (~~If such travel time is scheduled at the convenience of the employee, overtime compensation shall not be paid.~~) Travel time shall be considered as time worked when:

- (1) It occurs during the employee's normal hours of work and is from one work site to another; or
- (2) The employee has a regularly assigned work site, and the travel is to carry out a work assignment at a different location than the regularly assigned work site, to the extent that it exceeds normal home-to-work travel time, is outside of normal working hours, and does not exceed the shortest reasonable means for the employee to reach and return from the location.

**AMENDATORY SECTION** (Amending Order 242, filed 2/24/86)

WAC 356-15-100 CALL-BACK PROVISIONS AND COMPENSATION FOR WORK PRECEDING OR FOLLOWING A SCHEDULED WORKSHIFT. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after their workshift ends or to change the starting time of their next scheduled workshift.

(a) Failure to give such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the straight time rate (~~((for two hours at one and one-half times the regular rate of pay)))~~ in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

**AMENDATORY SECTION** (Amending Order 206, filed 6/6/84)

WAC 356-15-110 CALL-BACK PROVISIONS AND COMPENSATION FOR WORK ON SCHEDULED DAYS OFF OR HOLIDAYS. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees'

normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management fails to give such notice, affected employees shall receive a penalty payment of three hours pay at their straight time rate (~~((for two hours at one and one-half times the regular rate of pay)))~~ in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management fails to notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at their straight time rate (~~((for two hours at one and one-half times the regular rate of pay)))~~.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(3).

**WSR 86-08-090  
PROPOSED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Filed April 2, 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:

- Amd WAC 356-06-080 Personnel Board—Powers—Duties.
- Amd WAC 356-18-090 Vacation leave—Accrual.
- Amd WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure;

that the agency will at 10:00 a.m., Thursday, May 8, 1986, in the Board Hearing 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 41.05.150 [41.06.150].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 1986.

Dated: April 1, 1986  
By: Leonard Nord  
Secretary

**STATEMENT OF PURPOSE**

Amend WAC 356-06-080 Personnel Board—Powers—Duties.

Purpose: To delineate the general powers and duties of the State Personnel Board.

Statutory Authority: RCW 41.06.150.

Summary: Delete all references to nonmanagement and management employees in this rule as well as references to merit pay increases.

Reasons: This is a housekeeping change. The information being proposed for deletion was rendered obsolete when House Bill 116 passed in 1985.

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 825 East 5th, 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.

Amend WAC 356-18-090 Vacation leave—Accrual.

Purpose: Delineates the formula for accrual of annual leave.

Statutory Authority: RCW 41.06.150.

Summary: Would amend the current accrual rate for state employees between the 11th and 16th year of total employment.

Reasons: These provisions have not been updated for over fourteen years and are inferior to all recent data on comparable vacation schedules, and the current accrual formula for civil service employees under the Higher Education Personnel Board.

Responsibility for Drafting: Eugene St. John, Executive Director, Washington Public Employees Association, 124 West 10th, Olympia, WA 98501, phone 943-1121, and Larry Goodman, Director, Personnel Board Activities, Washington Federation of State Employees, 1212 Jefferson Street S.E., Suite 300, Olympia, WA 98501, phone 352-7603; Implementation and Enforcement: All state agencies.

Proposed by: Washington Public Employees Association and the Washington Federation of State Employees, employee organizations.

Amend WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure.

Purpose: Delineates restrictions as to what constitutes a bumping right for persons facing reduction in force.

Statutory Authority: RCW 41.06.150.

Summary: Would allow persons receiving reduction in force notices to bump into positions in which they have previously held permanent status, including positions currently at a higher salary range.

Reasons: Provide employees facing layoff the broadest possible opportunity to retain employment.

Responsibility for Drafting: Larry Goodman, Director, Personnel Board Activities, Washington Federation of State Employees, 1212 Jefferson Street S.E., Suite 300, Olympia, WA 98501, phone 352-7603; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Washington Federation of State Employees, employee organization.

#### AMENDATORY SECTION (Amending Order 186, filed 6/17/83)

WAC 356-06-080 PERSONNEL BOARD—POWERS—DUTIES. It shall be the responsibility of the personnel board to:

(1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the merit system.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions with the number of names equal to four more names than there are vacancies to be filled. The names shall represent applicants ranked highest on eligibility lists.

(c) Examinations for all positions in the competitive and noncompetitive service.

(d) Appointments.

(e) Probationary periods of six to twelve months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all (~~nonmanagement~~) employees whose standards of performance are such as to permit them to retain job status in the classified service (~~and increment and merit increases based on performance for all management employees~~).

(p) Compliance with existing veterans preference statutes.

#### AMENDATORY SECTION (Amending Order 221, filed 4/12/85)

WAC 356-18-090 VACATION LEAVE—ACCRUAL. (1) Full-time employees who were in pay status for 15 or more calendar days including holidays shall be credited monthly with the following rates of vacation leave for each year of employment. Part-time, intermittent, hourly or seasonal employees whose payroll hours are usually less than 40 hours a week shall be credited with vacation leave hours at the respective ratio of payroll hours to the payroll hours requirement for full time employment.

(a) During the first year of current continuous employment — 96 hours (12 days) per annum.

(b) During the second year of current continuous employment — 104 hours (13 days) per annum.

(c) During the third and fourth years of current continuous employment — 112 hours (14 days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — 120 hours (15 days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — 128 hours (16 days) per annum.

(f) During the eleventh (~~twelfth, and thirteenth total years~~) year of total employment — 136 hours (17 days) per annum.

(g) During the (~~fourteenth, fifteenth, and sixteenth total years~~) twelfth year of total employment — 144 hours (18 days) per annum.

(h) During the (~~seventeenth, eighteenth, and nineteenth total years~~) thirteenth year of total employment — 152 hours (19 days) per annum.

(i) During the (~~twentieth, twenty-first, and twenty-second total years~~) fourteenth year of total employment — 160 hours (20 days) per annum.

(j) During the (~~twenty-third, twenty-fourth, and twenty-fifth total years~~) fifteenth year of total employment — 168 hours (21 days) per annum.

(k) During the (~~twenty-sixth~~) sixteenth year of total employment and after — 176 hours (22 days) per annum.

(2) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the director of personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency.

AMENDATORY SECTION (Amending Order 232, filed 9/18/85)

WAC 356-30-330 REDUCTION IN FORCE—REASONS, REGULATIONS—PROCEDURE. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) ~~((Position at the current salary range of the employee doing the bumping, or lower; and~~
- ~~(iv)))~~ Employee with the least seniority within the same category of full-time or part-time employment; and
- ~~((iv)))~~ (iv) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged. The salary of an employee who has accepted a higher position will be placed on the step of the range for the higher class which is closest to the current salary of the employee.

(3) The agency shall submit the procedure to the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

**WSR 86-08-091**  
**WITHDRAWAL OF PROPOSED RULES**  
**HIGHER EDUCATION PERSONNEL BOARD**  
 [Filed April 2, 1986]

The Higher Education Personnel Board is withdrawing the following notices filed with the code reviser on the indicated dates:

WSR 85-17-073	8/21/85
WSR 85-18-072	9/4/85
WSR 85-18-073	9/4/85
WSR 85-18-074	9/4/85
WSR 85-18-083	9/4/85
WSR 85-18-084	9/4/85
WSR 85-20-105	10/2/85
WSR 85-20-106	10/2/85

Pamela J. Holden  
 Confidential Secretary

**WSR 86-08-092**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Optometry)**  
 [Filed April 2, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Optometry intends to adopt, amend, or repeal rules concerning adding new sections WAC 308-53-075, 308-53-084, 308-53-105, 308-53-212, 308-53-265; amending WAC 308-53-085, 308-53-125; and repealing WAC 308-53-080 and 308-53-100;

that the agency will at 10:00 a.m., Wednesday, May 14, 1986, in the Quince Street Examination Center, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.54.070(5).

The specific statute these rules are intended to implement is chapters 18.53 and 18.54 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1986.

Dated: March 31, 1986  
 By: James D. Hanson  
 Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Optometry.

Purpose of Proposed Rules: To amend rules of the board relating to examinations, eligibility of applicants

for examination, continuing education requirements, postgraduate education programs, and optical prescriptions.

Statutory Authority: RCW 18.54.070(5).

Summary of the Rules: WAC 308-53-075, new section which states the eligibility requirements for licensing examinations; 308-53-080, pertaining to examination subjects is repealed; 308-53-084, new section pertaining to examination subjects that supersedes WAC 308-53-080 and adopts the acceptance of the national written examination in lieu of the state written examination; 308-53-085, amended to clarify the minimum passing scores on written, practical, and oral examinations; 308-53-100, pertaining to continuing education requirements is repealed; 308-53-105, new section that supersedes WAC 308-53-100 and clarifies the amount of postgraduate continuing education required of licensed doctors of optometry; 308-53-125, amended to clarify authorized attendees and funding of an annual postgraduate education seminar conducted by the Board of Optometry; 308-53-212, new section pertaining to the required information that must be listed in optical prescriptions for extended wear contact lenses; and 308-53-265, new section that defines the required identification that must be in optical prescriptions from doctors of optometry.

Responsible Personnel: The Washington State Board of Optometry and the executive secretary for the board have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is James D. Hanson, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-3834.

Proponents of Proposed Rules: Washington State Optometry Board.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required as these rules do not impact small business as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-53-075 EXAMINATION ELIGIBILITY. To be eligible to take the state optometry examination, the applicant must:

(1) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington State Board of Optometry;

(2) Satisfy the application requirements for examination as published in the annual application instructions; and

(3) Have successfully completed all written parts of the National Board of Examiners in Optometry (NBE) examinations.

NEW SECTION

WAC 308-53-084 EXAMINATION SUBJECTS. Every qualified applicant for a license as an optometrist shall successfully pass an examination. The examinations may include, but not be limited to, the following subjects and types of examination:

(1) Every applicant shall complete a state written examination covering subject areas of contact lenses; perimetry; pathology slides; visual training; theory and methods of optometry; ocular anatomy and physiology; ocular pathology; ocular pharmacology; moral and legal ethics of the practice of optometry; and Washington state law pertaining to the practice of optometry. After June 30, 1987, the state written examination shall no longer be conducted by the Board.

(2) Effective July 1, 1986, certification of successful completion of all written parts of the examinations conducted by the National Board of Examiners in Optometry (NBEO) will be accepted in lieu of the state written examination.

(3) Effective July 1, 1987, certification of successful completion of the written examinations conducted by the National Board of Examiners in Optometry (NBEO) is required.

(4) Successful completion of a written test on Washington state law pertaining to the practice of optometry is required of all applicants.

(5) Every applicant shall complete a practical examination conducted by the Board, which may include but not be limited to: funduscopy; lensometry; retinoscopy; biomicroscopy; tonometry; radiuscope; and an oral interview of diagnostic and patient management procedures.

AMENDATORY SECTION (Amending Order PL 465, filed 4/18/84)

WAC 308-53-085 GRADING EXAMINATIONS. To successfully pass the examination, an applicant must ~~((obtain the following))~~:

(1) Pass the practical examination section with ~~((at least))~~ a minimum average score of seventy-five, ((percent average score, and)) with no score below sixty-five;

(2) Pass the practical oral interview ~~((and))~~ of diagnostic and patient management case history section with ~~((at least))~~ a minimum score of seventy-five; ((percent score, and))

(3) ~~((Obtain a total overall average score of at least seventy-five percent.))~~ Pass the complete National Board of Examiners in Optometry written examination; and

(4) Obtain a minimum score of seventy-five on the written examination on Washington state law relating to optometry.

(5) Until July 1, 1987, applicants taking the state written examination must obtain an overall average score of seventy-five on the state written examination.

NEW SECTION

WAC 308-53-105 CONTINUING EDUCATION REQUIREMENT. Each applicant for renewal of a license to practice optometry in the state of Washington must complete twenty-five hours of continuing education each renewal period. Licensees maintain their records of training and execute an affidavit at the time of renewal. Licensees practicing and living out-of-state may renew their Washington license so long as they meet the continuing education requirements of the licensing authority for state of practice and residence. Failure to complete the continuing education requirement is cause for suspension of license or denial of renewal. Licensees renewing their license for the first time, are exempt from continuing education requirements. Licensees in active military service are exempt until the first license renewal after reinstatement of license following release from active duty.

AMENDATORY SECTION (Amending Order PL 326, filed 12/28/79)

WAC 308-53-125 POSTGRADUATE EDUCATIONAL PROGRAM. The board will be responsible, when financially permissible, to exercise control through the board, or its agent, of an annual post-graduate educational program.

Attendance is limited to optometrists licensed in the state of Washington and optometrists serving on active military duty. Costs of this program may be funded by revenues generated by the Board.

NEW SECTION

WAC 308-53-212 MINIMUM INFORMATION FOR RELEASE OF CONTACT LENS PRESCRIPTIONS. In order to promote the safety, protection, and welfare of the public when prescribing extended-wear contact lenses, all licensed doctors of optometry shall include in the prescription, as a minimum, the following information:

- (1) Dioptric power;
- (2) Base curve;
- (3) Lens material and design (hard, soft, gas permeable, single or multi-focal, any additional lens identification);
- (4) Manufacturer's identification;
- (5) Expiration date; and
- (6) Patient instructions, including cleaning and disinfection method and date the patient is to return to prescribing doctor of optometry for pathology examination.

The definition of an extended-wear contact lens, is a Federal Food and Drug Administration (FDA) approved device (lens) prescribed for continual wear of twenty-four or more hours.

NEW SECTION

WAC 308-53-265 REQUIRED IDENTIFICATION ON PRESCRIPTIONS. Optical prescriptions related to the practice of optometry must include as a minimum:

- (1) Typed or commercially printed name, address of practice and telephone number of the prescribing doctor of optometry.
- (2) Date of prescription.
- (3) Patient's name and address.
- (4) Signature of prescribing doctor of optometry.

REPEALER

The following sections of the Washington administrative code are hereby repealed:

WAC 308-53-080  
WAC 308-53-100

**WSR 86-08-093**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**

[Filed April 2, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Medical Examiners intends to adopt, amend, or repeal rules concerning the practice and utilization of physician assistants:

Amd	WAC 308-52-135	Physician assistant prescriptions.
Amd	WAC 308-52-139	Physician assistant registration.
Amd	WAC 308-52-140	Physician assistant—Utilization.
Amd	WAC 308-52-141	Physician assistants—Responsibility of supervising physician.
New	WAC 308-52-146	Termination of supervision.
Rep	WAC 308-52-142	Physicians' assistants—Registration fee.
Rep	WAC 308-52-143	Physicians' assistants—Reregistration fee.
Rep	WAC 308-52-145	Birthday renewal registration implementation;

that the agency will at 10:00 a.m., Friday, May 23, 1986, in the Providence Medical Center, Conference Room 3 East—Large, 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 18.71A.020.

The specific statute these rules are intended to implement is RCW 18.71A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 19, 1986.

Dated: April 2, 1986  
By: David K. Boston  
Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Medical Examiners.

Statutory Authority: RCW 18.71A.020.

Summary of Rules, Purpose, and Reason Proposed: WAC 308-52-135 explains the circumstances and procedures for issuance of written or oral prescriptions by physician assistants. The proposed amendments are to clarify and simplify some aspects of the procedure and are proposed for that reason; 308-52-139 sets forth procedures for classification and registration of physician assistants. The amendment is proposed to clarify certain procedures regarding the registration of physician assistants including the methods for receiving interim approval and final approval of a utilization or transfer of registration; 308-52-140 amended to clarify that physician assistant practice is subject to the bylaws of any facility in which the physician assistant practices and is proposed to clarify that situation; 308-52-141 amended to delete material considered unduly repetitious and is proposed for that reason; and new 308-52-146 would require certain feedback regarding the quality of the physician assistant's practice at the conclusion of a registration. The rule is proposed to provide the board with additional information which may be of assistance in making future registration and utilization decisions.

Responsible Personnel: Arlene Robertson, Assistant Executive Secretary, Division of Professional Licensing, 1300 South Quince, Olympia, WA 98504, (206) 753-2205 comm, 234-2205 scan.

Proponents: Washington State Board of Medical Examiners.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 428, filed 3/10/83)

WAC 308-52-135 PHYSICIAN ASSISTANT PRESCRIPTIONS. A physician assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician assistant.

(a) Written prescriptions shall (~~be written on the blank of the supervising physician and shall~~) include the name, address and telephone number of the physician (~~The prescription shall also bear~~); the name and address of the patient and the date on which the prescription was written.

(b) The physician assistant shall sign such a prescription (~~by signing~~) using his or her own name followed by the letters "P.A." (~~and registration number~~).

(c) Written prescriptions must include the physician assistant's D.E.A. registration number, or, if none, the number issued by the board of medical examiners.

(2) A physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, (~~write medical~~) order(~~s~~) pharmaceutical agents, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician assistants may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall

comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order PL 412, filed 11/19/82)

WAC 308-52-139 PHYSICIAN ASSISTANT—REGISTRATION. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. (~~All applications shall be made to the board on forms supplied by the board. Applications shall not be reviewed or approved until the forms and supporting documents are complete.~~) Applications shall be made jointly by the physician and the assistant on forms supplied by the board. Applications and supporting documents must be on file in the board office prior to consideration for registration. An application which clearly meets the board's requirements may receive interim approval by the board's executive secretary or assistant executive secretary (providing the physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the required education and training of the physician assistant. Such interim approval shall be subject to final action by the board's application committee at its next regular meeting. Applications which do not clearly meet the board's guidelines will be reviewed at the committee meeting, which review may include an interview. Applications may also be considered at any regular meeting of the board). Interim approval and all other applications are subject to final action by a board member or at a regular meeting of the board, such review may include an interview.

(3) Registration expiration and renewal. Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. A statement must be made concerning any changes in utilization requested, which will be subject to approval of the board. (~~Registration renewals will be issued to expire on the physician assistant's next birth anniversary date.~~)

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively, providing (~~that the new physician supervisor is licensed and in good standing in the state of Washington and~~) that evidence is submitted to document the continuing competence of the physician assistant. Application for transfer of registration shall be made on forms provided by the board (~~and may also be considered at any regular meeting of the board or its committee~~). Final approval may be granted administratively for transfer registrations which clearly meet board requirements. All other applicants will be reviewed by a board member or at a regular meeting of the board, such review may include an interview.

(5) Utilization plan. The application for registration of a physician assistant must include a detailed plan describing the manner in which the physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized physician assistants based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. In the case of family practice (primary care) and pediatric physician assistants, the board will issue a list of tasks which physician assistants are commonly trained to perform, with the expectation that the physician sponsor will be responsible for determining which of the tasks the physician assistant will perform and at what level of supervision. No assistant shall be registered to perform tasks not contained in the program approval, or in the case of family practice and pediatric physician assistants, the board list, unless evidence satisfactory to the board is submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board or the application committee.

AMENDATORY SECTION (Amending Order PL 428, filed 3/10/83)

WAC 308-52-140 PHYSICIAN ASSISTANT—UTILIZATION. (1) Limitations, number.

(a) No physician shall supervise more than two graduate physician assistants without (~~special~~) special authorization by the board.

(b) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in section three

of this regulation shall be established by the board on an individual basis.

(2) Limitations, geographic.

(a) No physician assistant shall be utilized in a place geographically separated from the supervising physician's primary place for meeting patients without the express permission of the board. The "primary place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or the homes of patients for whom a physician-patient relationship has already been established.

(b) Special permission may be granted to utilize a physician assistant in a place remote from the physician's primary place for meeting patients if:

(i) There is a demonstrated need for such utilization.

(ii) Adequate provision for immediate communication between the physician and his or her physician assistant exists.

(iii) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising physician and patients who may be seen initially by the physician assistant.

(iv) The responsible physician spends at least one-half day per week in the remote office.

(v) The provisions of WAC 308-52-141(2) are met.

(vi) The waiting room, offices and examining rooms of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for all care rendered, and that the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.

(3) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised by a supervising physician in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. The extent to which a physician assistant may practice and write orders is subject to the bylaws of the facility. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150.

(4) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

AMENDATORY SECTION (Amending Order PL 368, filed 1/21/81)

WAC 308-52-141 PHYSICIAN ASSISTANTS—RESPONSIBILITY OF SUPERVISING PHYSICIAN. It shall be the responsibility of the supervising physician to insure that:

(1) ~~((The best interests of his patients are served by the utilization of a physician assistant.~~

~~((2)))~~ Adequate supervision and review of the work of the physician assistant is provided.

(a) The supervising physician shall review and countersign pertinent notes and orders concerning patient care provided by the physician assistant, if such care is rendered without direct consultation with the physician. The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

(b) In the temporary absence of the supervising physician, the physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The physician assistant may not function as such if these supervisory and review functions are impossible.

~~((3)))~~ (2) The physician assistant employed by him, at all times when meeting or treating patients, wears an identifying badge in a prominent place on his person identifying him as a physician assistant.

~~((4)))~~ (3) No physician's assistant in his employ advertises himself in any manner which would tend to mislead the public generally or the patients of the physician as to his role.

~~((5)))~~ (4) The physician's assistant in his employ performs only those tasks which have been authorized by the board. If the physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-52-142 PHYSICIANS' ASSISTANTS—REGISTRATION FEE.

WAC 308-52-143 PHYSICIANS' ASSISTANTS—REREGISTRATION FEE.

WAC 308-52-145 BIRTHDAY RENEWAL REGISTRATION IMPLEMENTATION.

NEW SECTION

WAC 308-52-146 TERMINATION OF SUPERVISION. Upon termination of employment, the board shall require the supervising physician and physician assistant to submit a written report including the reasons for termination of the relationship and an evaluation of the physician assistant's performance. Such report shall be submitted to the board within fifteen days following termination of supervision.

**WSR 86-08-094**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Filed April 2, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.326 and 47.56.030, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a revised schedule of tolls for the Washington state ferry system by modifying the one-way toll collection system;

that the agency will at 10:00 a.m., Thursday, May 15, 1986, in the Transportation Building, Room 1D2, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 15, 1986.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

The specific statute these rules are intended to implement is RCW 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 15, 1986.

Dated: April 2, 1986

By: Lue Clarkson  
Administrator

**STATEMENT OF PURPOSE**

Title: The adoption of a revised schedule of tolls for the Washington state ferry system.

Statutory Authority: RCW 47.60.326.

Summary of Rule: To revise the fare schedule on the state ferry system to meet the changing economic factors, including costs of inflation and higher operational costs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: James C. Sainsbury, Acting Assistant Secretary for Marine Transportation.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Transportation Commission, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No.

Small Business Economic Impact Statement: The department has considered this rule and determined that it does not affect more than 10 percent of one industry or 20 percent of all industry.

**AMENDATORY SECTION** (Amending Order 54, Resolution No. 263, filed 2/21/86)

**WAC 468-300-010 FERRY PASSENGER TOLLS.**

Effective 12:01 a.m. January 5, 1986

ROUTES	Full Fare	Half Fare**	COM-MU-TATION 20 Rides **** *****	PASSENGER SCHOOL COM-MU-TATION *** ***** 20 Rides Ages	12-20	5-11
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow (Pt. Townsend-Keystone Edmonds-Kingston	* 3.20	1.60	19.20	16.00	8.00	
Pt. Townsend-Keystone	1.60	.80	19.20	16.00	8.00	
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah (Mukilteo-Clinton	* 2.10	1.05	12.60 *****	10.50	5.25	
Mukilteo-Clinton	1.05	.55	12.60	10.50	5.25	
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	* 4.50	2.25	27.00	22.50	11.25	
Anacortes to Sidney and Sidney to all destinations	5.85	2.95	N/A	N/A	N/A	
Between Lopez, Shaw, Orcas***** and Friday Harbor	N/C	N/C	N/C	N/C	N/C	
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney	2.25	1.25	N/A	N/A	N/A	

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate on one-way only toll collection system.

\*\*Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. Includes passengers in vehicles licensed as stages and buses unless travelling under annual permit.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF handicapped travel permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF handicapped travel permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

\*\*\*School commutation tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

\*\*\*\*A combination ferry/bus public transit passenger monthly reusable ticket rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the transportation commission that said ticket is a necessary element of a transit operating plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in ferry system operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the public transit operating authority, subject to the approval of the secretary of transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers on those routes which have connecting bus service as

part of the transit operating plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the secretary of transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

\*\*\*\*\*On the Fauntleroy-Vashon route, a combination ferry/bus public transit monthly re-useable ticket rate shall apply.

\*\*\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\*\*Inter-island passenger fares included in Anacortes tolls.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

**WSR 86-08-095**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed April 2, 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 314-24-070 Domestic wineries—Purchase and use of bulk wines, brandy or wine spirits—Import permit required—Records.
- Amd WAC 314-24-100 Domestic wineries—Responsibility for fruits used—Records;

that the agency will at 9:30 a.m., Tuesday, May 13, 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 66.20.010 and 66.08.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1986.

Dated: April 2, 1986  
 By: L. H. Pedersen  
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-24-070 Domestic wineries—Purchase and use of bulk wines, brandy or wine spirits—Import permit required—Records.

Description of Purpose: WAC 314-24-070 needs several "housekeeping" changes to bring it up to date with current statutes and regulations. These amendments are intended to accomplish this.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.20.010.

Summary of Rule: The current WAC refers to "federal licenses." The BATF does not issue "licenses," but does issue "basic permits." This rule refers to RCW 66.20.010(4) permits. This statute was amended by the 1984 legislature so that the previous type 4 permit is now covered by subsection (5) of the RCW as a type 5 permit. The fee referred to in the rule is \$25.00. However, WAC 314-38-020 (which was enacted in 1984 following the legislative session) sets the fee for a class 5 permit at \$10.00.

Reason Supporting Proposed Action: Will make the rule more correct and less confusing for its readers.

Title: WAC 314-24-100 Domestic wineries—Responsibility for fruits used—Records.

Description of Purpose: Will delete outdated language and add appropriate updated language.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.010.

Summary of Rule: The WAC as it now stands refers to the Bureau of Alcohol, Tobacco and Firearms (BATF) Division of the "Internal Revenue Service." In July of 1972 BATF was moved to the U.S. Treasury Department. The amendment, if adopted, would delete the outdated language and add the correct agency which BATF works under.

Reason Supporting Proposed Action: This will make the rule more precise and easier for board employees, the liquor industry and the public to understand.

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) 753-6273.

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

Agency Comments: None.

Necessity of Rule: 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 this rule.

AMENDATORY SECTION (Amending Order 14, filed 12/1/70, effective 1/1/71)

WAC 314-24-070 DOMESTIC WINERIES—PURCHASE AND USE OF BULK WINES, BRANDY OR WINE SPIRITS—IMPORT PERMIT REQUIRED—RECORDS. (1) Domestic wineries may purchase and receive under federal bond from any holder of a domestic winery license, holder of the fruit and/or wine distillery license provided in Section 23-D of the Washington State Liquor Act (RCW 66.24.140), or out-of-state holder of a federal winery or fruit distillery (~~license~~) basic permit, bulk wine, brandy or bulk wine spirits manufactured or produced by such holder, and use the same in the manufacture or production of wines: PROVIDED, That every domestic winery which imports wine, brandy or wine spirits manufactured outside the state of Washington for use as authorized in this section must first be in possession of a permit issued by the board, in accordance with RCW 66.20.010 ~~((4))~~(5) of the Washington State Liquor Act. Applications for such permits must be submitted to the board ~~(;)~~ in writing ~~(; together with a fee of \$25.00)~~. Such permits expire at the end of the board's fiscal year, and are subject to renewal at that time upon written request and remittance of said annual fee. Wine manufactured or produced from one kind of fruit or berry may not receive wine, brandy or wine spirits manufactured or produced from another kind of fruit or berry. Such brandy or wine spirits so purchased



shall be used exclusively and only for the purpose of adding wine spirits to wines. In those cases where the holder of a domestic winery license shall also hold such fruit and/or wine distillery license, then, and in such cases, such domestic winery may use brandy or wine spirits manufactured or produced under such distillery license as a wine spirit's addition in the manufacture or production of wine by such holder of the domestic winery license.

(2) Any domestic winery using wine, brandy or wine spirits as provided in subsection (1) of this section, shall make and file with the board, not later than the tenth day of each month upon forms prescribed and furnished by the board, a report showing all transactions of such domestic winery in the purchase and/or use of wine, brandy or wine spirits as provided in said subsection (1), and shall retain one copy of such report in its own files, and shall keep and preserve for a period of not less than two years any bills of lading or other documents supporting such report. One copy of the bill of lading covering such sale and shipment to a domestic winery is to be forwarded to the board by the shipping winery or fruit distillery, at the time of such shipment.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-100 DOMESTIC WINERIES—RESPONSIBILITY FOR FRUITS USED—RECORDS. Every domestic winery shall keep proper records as required by the Bureau of Alcohol, Tobacco and Firearms (~~Division, Internal Revenue Service~~), United States Treasury Department, in a form approved by the board showing the place of origin and/or purchase of all fruits and fruit products used by such winery in the manufacture of wine, which records shall be kept at the office of such winery and available at all times for inspection by the board.

**WSR 86-08-096**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed April 2, 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 procedures, WAC 314-64-080;

that the agency will at 9:30 a.m., Tuesday, May 13, 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 66.24.206, 66.24.210, 66.24.270, 66.24.290 and 66.28.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1986.

Dated: April 2, 1986

By: L. H. Pedersen  
Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-64-080 Procedures.

Description of Purpose: Will add specific language which will insure that all taxes due have procedures in place to facilitate their payment.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.24.206, 66.24.210, 66.24.270, 66.24.290 and 66.28.040.

Summary of Rule and Reasons Supporting Proposed Action: WAC 314-64-080 currently provides for breweries and wineries to furnish samples of products to retail licensees. However, there are no directions provided regarding who is to pay the taxes on beer and wine shipped into Washington state by suppliers to retailers for sampling purposes. The proposed amendment would specify that out of state breweries and wineries that hold certificates of approval to sell their products in Washington are responsible for reporting the shipment of samples to retailers and are also responsible for paying taxes on these samples.

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, phone (206) 753-6273; and James Hoing, Controller, Financial Division, phone (206) 753-6290, Capital Plaza Building, Olympia, WA 98504.

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

Agency Comments: None.

Necessity of Rule: 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 this rule.

AMENDATORY SECTION (Amending Order 95, Resolution No. 104, filed 1/28/82)

WAC 314-64-080 PROCEDURES. Procedures for furnishing samples of beer and wine to licensees for the purpose of negotiating a sale are as follows:

(1) Quantity. Except as provided in ~~((c))~~ (d) of this subsection, samples may be furnished only in their original packages or containers as produced by the manufacturer or bottler, as follows:

(a) Wholesaler or importer. A brewer, winery or importer may furnish a sample of beer or wine to a wholesaler or importer who has not previously purchased the brand and type or vintage year from the supplier furnishing the sample. For each wholesaler or importer, the brewer, winery or importer may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine.

(b) Retailer. A brewer, winery, importer or wholesaler may except as hereinafter provided furnish a sample of beer or wine to a retail licensee who has not previously purchased the brand and type or vintage year from the supplier furnishing the sample. For each retail licensee, the brewer, winery, importer or wholesaler may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine. If a particular product is not available in a size within the quantity limitations of this section, a brewer, winery, importer or wholesaler may furnish the next largest size: PROVIDED, HOWEVER, That unpasteurized beer in its original sealed package shall not be furnished as samples.

(c) Out-of-state brewers and wineries who hold a certificate of approval to ship their products into this state who provide samples to retailers as outlined in (b) of this subsection shall be responsible for reporting monthly to the board any shipments of samples to retailers in Washington state and shall also be responsible for paying the taxes due on such beer and wine samples provided to retailers as provided for in WAC 314-20-010 and 314-24-110 as if they were a domestic brewer or a domestic winery.

(d) Samples in other than the original packages or containers may, subject to the conditions and limitations stated in (a) ~~((and))~~, (b), and (c) of this subsection, be furnished as follows:

(i) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish to authorized licensees at their licensed premises or business office samples of beer and wine from an opened container carried by a licensed agent, provided such

samples are furnished only in single-serving samples not to exceed two ounces of wine or twelve ounces of beer.

(ii) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish samples of beer or wine to authorized licensees at the premises of a retail licensee.

(iii) A licensed importer or licensed wholesaler may furnish samples to authorized licensees on the licensed premises of the importer or wholesaler: PROVIDED, That when exercising the privileges authorized in ~~((c))~~ (d)(ii) and (iii) of this subsection a brewery, winery, importer, or wholesaler may, in addition to furnishing samples of beer or wine as provided, supply small amounts of breads, crackers, cheeses, fruits, or nuts to clear the taste buds of participants between successive samples of beer or wine but shall not furnish meals or additional treats which would be violative of WAC 314-12-140.

(2) Identification. Brewers, wineries, importers or wholesalers shall identify the samples on the containers, cartons and shipping documents as "Samples for licensees."

(3) Shipping instructions. Brewers, wineries, importers or wholesalers shall, except as provided in subsection (1)~~((c))~~(d) of this section, deliver or ship samples to licensees at their licensed premises or business office.

(4) Use and disposition of samples. Samples may be furnished for the purpose of negotiating a sale of beer or wine to a wholesaler, importer, or retail licensee.

**WSR 86-08-097**

**PROPOSED RULES**

**PARKS AND RECREATION COMMISSION**

[Filed April 2, 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:

- New WAC 352-32-155 Lakes located wholly within state park boundaries—Internal combustion engines prohibited.
- New WAC 352-32-157 Lakes located partially within state park boundaries—Internal combustion engines prohibited;

that the agency will at 9:00 a.m., Friday, May 16, 1986, in the Chautauqua Lodge, 304 N.W. 14th Street, Long Beach, WA 98631, 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, 43.51.395 and 43.51.400(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1986.

Dated: April 2, 1986

By: Mike Reed

Executive Assistant

**STATEMENT OF PURPOSE**

Title: WAC 352-32-155 Lakes located wholly within state park boundaries—Internal combustion engines prohibited; and 352-32-157 Lakes located partially within state park boundaries—Internal combustion engines prohibited.

Description of Purpose: Concern has been expressed that, without a prohibition on certain lakes either partially or wholly within state park boundaries, disturbances to other park users or nearby residents could

result, and in some cases, domestic water supplies could be impacted.

Statutory Authority: RCW 43.51.040, 43.51.395 and 43.51.400(6).

Summary of Rule: WAC 352-32-155 prohibits the use of internal combustion engines on lakes entirely within the boundaries of any state park; and 352-32-157 prohibits such engines on specified lakes partially within the boundaries of given state parks. Cascade Lake at Moran State Park is the only lake specified in WAC 352-32-157. Governmental agency representatives, law enforcement officers and search and rescue personnel are exempt.

Reasons Supporting Proposed Action: The provisions of these regulations will ensure that recreational users of these lakes will not be disturbed by disruptive engines, and that, where subject lakes are used for domestic water supply, that such waters will not be impacted by pollutants associated with engines.

Agency Personnel Responsible for Drafting: Darrell Skaggs, Chief, Law Enforcement and Visitor Protection, 7150 Cleanwater Lane, Olympia, WA 98504-5711, (206) 753-4129; Implementation and Enforcement: Lynn Genasci, Assistant Director, Operations, 7150 Cleanwater Lane, Olympia, WA 98504-5711, (206) 753-5761.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: No.

NEW SECTION

WAC 352-32-155 LAKES LOCATED WHOLLY WITHIN STATE PARKS BOUNDARIES—INTERNAL COMBUSTION ENGINES PROHIBITED. (1) In order to preserve the scenic quality, peace, and tranquility and to protect and preserve the wildlife on lakes lying wholly within state park boundaries, to increase visitor safety, and to limit the degradation of lake water quality, the use of internal combustion engines on lakes lying wholly within the boundaries of state park areas is prohibited except where listed in WAC 352-32-155(2) or when authorized in writing by the director.

(2) Lakes where internal combustion engines may be used are: Horsethief Lake in Horsethief Lake State Park.

(3) This provision does not apply to employees of the commission, other law enforcement officers or public agency representatives while engaged in the performance of their duties, or to persons or groups participating in emergency or search and rescue operations.

NEW SECTION

WAC 352-32-157 LAKES LOCATED PARTIALLY WITHIN STATE PARK BOUNDARIES—INTERNAL COMBUSTION ENGINES PROHIBITED. (1) In order to preserve the scenic quality, peace and tranquility, and to protect and preserve wildlife, increase visitor safety, and to limit the degradation of lake water quality, the Washington state parks and recreation commission, in conjunction with the following ordinance(s), prohibits the use of internal combustion engines on the following lakes partially within park boundaries:

Cascade Lake at Moran State Park, San Juan county ordinance .....

(2) This provision does not apply to employees of the commission, other law enforcement officers or governmental agency representatives while engaged in the performance of their duties, or to persons or groups participating in emergency or search and rescue operations.

**WSR 86-08-098**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed April 2, 1986]

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

- Amd ch. 173-14 WAC Permits for development on shorelines of the state.
- Amd ch. 173-19 WAC Shoreline Management Act of 1971—State master program.
- Amd ch. 173-22 WAC Adoption of designations of wetlands associated with shorelines of the state.

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

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 90.58 RCW.

This notice is connected to and continues the matter in Notice No. WSR 86-05-052 filed with the code reviser's office on February 19, 1986.

Dated: March 28, 1986  
 By: Phillip C. Johnson  
 Deputy Director, Programs

**WSR 86-08-099**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
 [Memorandum—April 2, 1986]

STATE/EPA AGREEMENT  
 NOTICE OF PUBLIC WORKSHOPS AND MEETING

The Washington Department of Ecology (Ecology), the Washington Department of Social and Health Services (DSHS), the Washington State Department of Agriculture (WSDA), and the United States Environmental Protection Agency, Region 10 (EPA) are requesting public review and comment on proposed environmental programs to be included in a formal agreement between these agencies for fiscal year 1987 (July 1, 1986 – June 30, 1987). The state/EPA agreement (SEA) contains priorities for water quality, drinking water, hazardous waste, air quality, and pesticide programs.

Two public workshops and a public meeting will be held to discuss the SEA and to receive public comments:

- Workshops:
- March 20, 1986  
1:00 to 5:00 p.m. Spokane County Public Health Building  
Room 140, West 1101 College  
Spokane, Washington
  - March 25, 1986  
1:00 to 5:00 p.m. U.S. Environmental Protection Agency  
Freeway Park Building, 12th Floor  
Conference Room 12-A  
1200 Sixth Avenue  
Seattle, Washington

- Public Meeting
- May 7, 1986  
7:00 p.m. Washington Department of Ecology  
Rowesix Hearings Room  
4224 6th Avenue S.E., Building 4  
Lacey, Washington

To prepare for either the workshops or the public meeting please contact Ecology to review draft SEA documents. The draft SEA consists of an executive document and individual program documents which outline in more detail the water quality, hazardous waste, drinking water, air quality, and pesticides programs. Copies of the draft executive document will be available March 10, 1986. All other SEA documents will be available to the public after April 10, 1986, at Ecology headquarters (Lacey), Ecology regional offices (Tumwater, Redmond, Yakima, and Spokane), DSHS headquarters (Tumwater), WSDA headquarters (Olympia), and EPA offices (Seattle and Lacey).

The draft SEA or other information about the SEA can be obtained by contacting Nina Carter, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, phone (206) 459-6690. All requests should specify which SEA documents should be sent to the same address. All public written or verbal comments must be received at Ecology by May 23, 1986.

**WSR 86-08-100**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
**(Water Resources)**  
 [Filed April 2, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the administration of the flood control zone permit program. This amendment will allow the department to waive the prohibition of construction of the permanent residential structures in the safer portions of the floodway where waters are flowing slower than two feet per second and shallower than three feet deep, along with other safety consideration requirements;

that the agency will at 7:00 p.m., Tuesday, May 13, 1986, Department of Ecology, Central Office in Yakima, and at 7:00 p.m., Thursday, May 15, 1986, Department of Ecology, Southwest Regional Office in Tumwater, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Thursday, June 5, 1986.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 86.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 29, 1986.

Dated: March 31, 1986  
 By: Phillip C. Johnson  
 Deputy Director, Programs

**STATEMENT OF PURPOSE**

Title: Permanent rule amendment to WAC 508-60-040, administration of the flood control zone permit program.

Description of Purpose: Will allow the department to waive WAC 508-60-040 (4)(b) which prohibits the construction of permanent family residences in the floodway within state flood control zones.

Statutory Authority: Chapter 86.16 RCW, the Flood Control Zone Act.

Summary of Rule: Allows the floodway residence under certain conditions which assure the safety of the occupants during the 100-year flood.

Reasons Supporting Proposed Action: Certain residentially zoned parcels in the flood control zone floodways are so located such that during the 100-year flood, the waters are flowing shallow and slow with minimal hazard.

Agency Personnel Responsible for Drafting and Implementation: D. Rodney Mack, Shorelands/Coastal Zone Program Manager, 459-6777; and Enforcement: Washington Department of Ecology.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: [No information supplied by agency.]

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: No adverse economic impact.

**AMENDATORY SECTION** (Amending Order DE 79-25, filed 11/26/79)

WAC 508-60-040 FLOOD CHANNEL AND FLOODWAY USAGE. All complete applications for flood control zone permits that request authorization for the construction, reconstruction, or modification of any works or structures upon the floodway or over or in the channel of any body of water or drainway will be examined by the department to insure compliance with all of the following requirements:

(1) The structures or works are designed so as not to be appreciably damaged by flood waters.

(2) The structures or works shall be firmly anchored or affixed to the realty in order to prevent dislocation by flood water and damage to life, health, and property.

(3) The structures or works will not adversely influence the regimen of any body of water by restricting, altering, hindering, or increasing flow of the flood waters in the floodway or flood channel expected during a flood up to a magnitude of a one hundred year frequency. (In consideration of this provision the department shall determine whether the structures or works either alone, or in combination with existing or future similar works could adversely influence the efficiency or the capacity of the floodway or adversely affect existing drainage courses or facilities. The determination of these effects shall be based on the assumption that the floodway encroachment resulting from any proposed structures or works will extend for a significant reach of the stream together with an encroachment equal in degree on the opposite side of the stream.)

(4) The structures or works are not designed for, or will not be used for either (a) uses associated with high flood damage potential or (b) dwellings for human habitation of a permanent nature; provided that a new single family farmhouse or substantial improvements to an existing single family farmhouse may be permitted under the following conditions:

(i) A new single family farmhouse must be built as the replacement of an existing single family farmhouse on the same farmsite. The house being replaced shall be removed from the floodway in its entirety, including the foundation. The permit shall specify a date for completion of the above work.

(ii) The elevation of the lowest habitable floor of the residence, including basement, shall be one foot higher than the one hundred year flood elevation.

(iii) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(iv) New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

(v) All other utilities and connections to public utilities shall be designed, constructed, and located to minimize or eliminate flood damage.

(vi) There must be no potential site for the farmhouse on the farmsite outside the floodway.

(5) Subsection (4)(b) of this section may be waived by the department for properties located within those counties and incorporated cities that are enrolled in the regular phase of the National Flood Insurance Program (NFIP) and are administering their floodplain management regulation permit program in compliance with the NFIP requirements pursuant to 44 CFR, Title 44, Chapter 1, Part 60—Criteria for Land Management and Use. The city or county must not be under NFIP probation or suspension. Applications for the waiver shall be signed by all members of the county's or city's council or commission. The waiver shall be made for specific reaches of the stream floodway and shall be referenced to the community floodway maps which are included in their flood regulation ordinance. Portions of the floodway which are waived shall comply with the following requirements:

(a) Maximum depth of water shall be three feet for the one hundred year frequency flood.

(b) Maximum mean velocity of water shall be two feet per second for the one hundred year frequency flood.

(c) The product of the depth and mean velocity shall not exceed five for the one hundred year frequency flood.

(d) The community shall have an acceptable flood evacuation plan which shall assure ingress and egress to all permanent residences.

All residential construction in the waived portion of the floodway shall comply with the conditions of subsection (4)(b)(ii) through (v) of this section.

Any application for a permit which complies with all requirements of this section and the provisions of WAC 508-60-060 and 508-60-070 will be granted.

**WSR 86-08-101  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed April 2, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Skamania County, WAC 173-19-380;

that the agency will at 2:00 p.m., Thursday, May 8, 1986, in the Department of Ecology Headquarters, Room 153, St. Martin's College, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 3, 1986.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 15, 1986.

Dated: March 26, 1986  
By: Phillip C. Johnson  
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-380 Skamania County.

Description of Purpose: Adoption of a revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts a revision to the shoreline master program for Skamania County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lisa Randlette, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6762.

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: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: On file at the Department of Ecology.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-380 SKAMANIA COUNTY. Skamania County master program approved September 6, 1974. Revision approved June 3, 1986.

**WSR 86-08-102**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed April 2, 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 overtime, amending WAC 251-09-030;

that the agency will at 9:00 a.m., Friday, May 9, 1986, in the Board Room, Highline Community College, Midway, 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 May 9, 1986.

Dated: April 2, 1986

By: John A. Spitz  
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on April 2, 1985 [1986], and is filed pursuant to RCW 34.04.025.

Title: WAC 251-09-030 Overtime.

Description of Purpose: To provide overtime provisions for higher education classified employees.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: Chapter 28B.16 RCW.

Summary of Rule: To update provisions regarding, primarily, appropriate compensation for overtime worked within the pay period.

Reasons Supporting Proposed Action: Recent United States Supreme Court ruling regarding Fair Labor Standards Act applying to public employees.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is the result of federal court action, *Garcia v. San Antonio Metropolitan Transit Authority*, \_\_\_ U.S. \_\_\_ (No. 82-1913) (1985).

AMENDATORY SECTION (Amending Order 74, filed 5/30/79, effective 7/1/79)

WAC 251-09-030 OVERTIME. (1) Any one of the following constitutes overtime:

(a) Work in excess of the daily work shift for full-time employees assigned to scheduled work period positions;

(b) Work in excess of forty hours in one (~~workweek~~) work week for employees assigned to scheduled or nonscheduled work period positions; or

(c) For hospital personnel assigned to a fourteen-day schedule, work in excess of eight hours in a twenty-four hour period or eighty hours in a fourteen-day period.

(2) Overtime worked by employees assigned to scheduled or nonscheduled work period positions shall be compensated at a rate of one and one-half times the employee's straight time hourly rate including shift differential for all overtime worked as provided in subsection (1) of this section.

(3) Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment as compensation for overtime worked; however, at the employee's request compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of monetary payment, except that agricultural employees shall receive compensatory time off or monetary payment at the option of the institution. The accumulation of unused compensatory time that exceeds two hundred forty hours (four hundred eighty for employees engaged in public safety or emergency response activity) must be paid in cash.

(4) If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. Upon termination of employment, an employee will be paid for any unused compensatory time in accordance with the Fair Labor Standards Act.

(5) Use of accrued compensatory time shall be approved by the employing official with consideration being given to the work requirements of the department and the wishes of the employee. Compensatory time off may be scheduled by the employing official during the final sixty days of a biennium.

~~((5))~~ (6) Employees assigned to excepted work period positions normally do not qualify for overtime pay. Under circumstances in

which the employee is directed to work an excessive amount of overtime, the personnel officer may authorize additional compensation in cash or compensatory time off not to exceed one and one-half times the employee's regular rate. The employee may petition the personnel officer for compensation of the directed overtime.

((6)) (7) For purposes of computing overtime compensation, holidays or leave with pay during the employee's regular work schedule shall be considered as time worked.

**WSR 86-08-103**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
[Filed April 2, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules;

that the agency will at 10:00 a.m., Saturday, May 10, 1986, in Room R.C. 1141, North Seattle Community College, 9600 College Way North, Seattle, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 16, 1986.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1986.

Dated: April 2, 1986

By: Russell W. Cahill  
for William R. Wilkerson  
Director

**STATEMENT OF PURPOSE**

Title: WAC 220-16-315, 220-22-030 and chapter 220-47 WAC.

Description of Purpose: Modify rules for Puget Sound salmon harvest.

Statutory Authority: RCW 75.08.080.

Summary of Rule: WAC 220-16-315 excludes purse seine net mesh from general net mesh measurement standard; 220-22-030 adjusts boundary of Area 8D; and chapter 220-47 WAC excludes Area 7E from San Juan Island Preserve, allows bunt in purse seine less than four inch mesh, allows purse seine mesh measurement by wedge, establishes two additional closed areas, and provides adjustment for 1986 Puget Sound salmon fishery schedule.

Reasons Supporting Proposed Action: WAC 220-16-315, impracticality of field use of measurement method; 220-22-030, this boundary was decided on by joint consultation between the Tulalip Tribe and the department; and chapter 220-47 WAC, the exclusion of Area 7E from the reserve allows for a targeted fishery within the perimeter of a generally closed area, the bunt allowance conforms regulations with generally used gear, the additional closed areas protect milling salmon, and adjustments are based on 1986 preseason salmon forecast and harvest criteria.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, Washington, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: None.

These rules are not the result of federal law or court order.

Small Business Economic Impact Statement: None. These rules effect resource utilization and conservation.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-16-315 GENERAL DEFINITIONS—NET MESH MEASUREMENT. The size of a mesh of any net except purse seine net, trawl net, and Hood Canal shrimp pot net shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh when the mesh is stretched vertically, while wet, by using a tension of ten pounds on any three consecutive meshes, then measuring the middle mesh of the three while under tension; purse seine net mesh — see WAC 220-47-301; trawl net mesh — see WAC 220-16-015; Hood Canal shrimp pot net — see WAC 220-52-053.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-262 PUGET SOUND—SALMON PRESERVE—SAN JUAN ISLAND. "San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected from Decatur Island Light across Lopez Pass to Lopez Island, a line projected from Fautleroy Point on Decatur Island through Lawson Rock to Blakely Island; a line projected from Deer Point on Orcas Island across Spindle Rock to Blakely Island; a line projected from the most southwesterly point of Orcas Island, located in Section 13, Township 36 North, Range 3 West, W.M., to Neck Point on Shaw Island; and a line projected from Flat Point on Lopez Island to the most westerly point on Canoe Island, thence true north to the shoreline of Shaw Island, excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-301 PUGET SOUND—LAWFUL GEAR—PURSE SEINE. (1) Lawful PURSE SEINE salmon nets in Puget Sound shall not exceed 1,800 feet in length along the cork line while wet and purse seine and lead combined shall not exceed 2,200 feet. Neither shall contain meshes of a size less than 4 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear. It shall be lawful as part of the purse seine to have a bunt 10 fathoms long and 200 meshes deep which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material. ~~((It shall be lawful as part of the purse seine to have a bunt 10 fathoms long and 200 meshes deep which may contain mesh of a size not less than 3-1/2 inches.))~~

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It is unlawful to take, fish for, or possess salmon taken for

commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Area 7B – That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C – That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 7E – Those waters of Ship Bay northeasterly of a line projected from Tongue or Madrona Point to the Juniper Point marker to the point immediately south of Juniper Point.

Area 8 – That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

Area 8A – Those waters easterly of a line projected from Mission Point at the south end of Tulalip Bay, thence to Buoy C1, thence to the green light at the entrance jetty of the Snohomish River thence across the mouth of the Snohomish River to the red light at Western Gear Corporation and those waters northerly of a line ~~((from Camano Head to the northern boundary of Area 8D))~~ projected true west from Kayak Point.

Area 9 – Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 – That portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

Area 10E – Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 – Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12A – Those waters north of a line from Fisherman's Point on the Bolton Peninsula to the boat haven at Quilcene.

Area 12B – Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers.

Area 12C – Those waters within 1,000 feet of the western shore between Glen Ayr trailer park and the Hoodsport marina dock, and those waters south of a line projected from Lake Cushman powerhouse to the public boat ramp at Union.

Area 13A – Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

#### AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-311 PURSE SEINE—SEASONS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A – closed.

Area 6D – September ~~((23))~~ 21 through October 25.

Area 7B – September ~~((9))~~ 7 through November ~~((+2))~~ 29.

Areas 7C, 7D, and 7E – closed.

Area 8 – ~~((August 23))~~ October 26 through November ~~((4))~~ 22.

Area 8A – September ~~((3))~~ 7 through ~~((October 28))~~ November 15.

Areas 8D, 9, and 9A – closed.

Areas 10 and 11 – September ~~((+6))~~ 7 through ~~((October 28))~~ November 15.

Areas 10A, 10C, and 10D – closed.

Area 10E – October ~~((22))~~ 19 through ~~((October 29))~~ November 15.

Areas 10F, 10G and 11A – closed.

Areas 12 and 12B – September ~~((+0))~~ 7 through ~~((October 28))~~ November 15.

Area 12A – September ~~((+0))~~ 7 through ~~((September 24))~~ October 11.

~~((Area 12C – July 31 through August 13))~~

Areas ~~((+2B))~~ 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas – closed.

#### AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It is unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D – Week ~~((of))~~ beginning September ~~((22))~~ 21: ~~((Monday))~~ Sunday through Saturday. Weeks beginning September ~~((29))~~ 28, October ~~((6))~~ 5, and October ~~((+3))~~ 12: Sunday through Saturday. Week beginning October ~~((20))~~ 19: Sunday through Friday.

Area 7B – Week beginning September ~~((8))~~ 7: Monday through Saturday. Weeks beginning September ~~((+5, 22))~~ 14, 21 and ~~((29))~~ 28, and October ~~((6))~~ 5 and ~~((+3))~~ 12: Sunday through Saturday. Week beginning October ~~((20))~~ 19: Sunday through Friday. Weeks beginning October ~~((27))~~ 26 and November ~~((3 and 10))~~ 2: Monday ~~((and Tuesday))~~ through Wednesday.

Area 8 – ~~((Week beginning August 18: Friday. Week beginning August 25: Monday through Wednesday.))~~ Weeks beginning October ~~((27))~~ 26 and November ~~((3))~~ 2: Monday.

Area 8A – Weeks beginning September ~~((+1 and 8 and October 20))~~ 7, 14, and 21: Monday. Week beginning October 19: Tuesday. ~~((Weeks beginning September 15 and 22: Monday and Tuesday.))~~ Week beginning October ~~((27))~~ 26: Monday.

Areas 10 and 11 – Week beginning ~~((October 20))~~ September 7: Monday and Tuesday. Week ~~((s))~~ beginning September ~~((+5 and 22))~~ 14: Monday ~~((and Tuesday.))~~ Week beginning October 19: Tuesday. Week beginning October ~~((27))~~ 26: Monday.

Area 10E – Week beginning October ~~((20))~~ 19: Tuesday ~~((and Wednesday.))~~ Week beginning October ~~((27))~~ 26: Monday ~~((and Tuesday.))~~.

Areas 12 and 12B – Weeks ~~((beginning September 8 and 22 and October 20: Tuesday. Week))~~ beginning September ~~((+5))~~ 7, 14, and 21: Monday and Tuesday. Week beginning October ~~((27))~~ 19: ~~((Monday))~~ Tuesday.

Area 12A – Weeks beginning September ~~((8 and 22))~~ 7, 14, and 21: Monday and Tuesday. ~~((Week beginning September 15: Monday and Tuesday.))~~

~~Area 12C – Week beginning July 28: Wednesday. Week beginning August 4: Monday. Week beginning August 11: Tuesday.))~~

#### AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

Area 6D from September ~~((23))~~ 21 to October ~~((24))~~ 23 and Area 7B from September ~~((9))~~ 8 to October ~~((24))~~ 23 – 24 hours per day.

Areas 6D and 7B on October ~~((25))~~ 24 – 12:01 a.m. to 4:00 p.m. Pacific daylight time.

~~((Area 8 on August 23 – 5:00 a.m. to 4:00 p.m. Pacific daylight time.))~~

All other open areas – July ~~((28))~~ 27 through October ~~((26))~~ 25: 5:00 a.m. to 9:00 p.m. Pacific daylight time. October ~~((27))~~ 26 through November ~~((30))~~ 29: 5:00 a.m. to 8:00 p.m. Pacific standard time.

#### AMENDATORY SECTION (Amending Order 81-101, filed 8/25/81)

WAC 220-47-401 REEF NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

~~((No open season))~~ Areas 7 and 7A – September 28 through November 29.

#### AMENDATORY SECTION (Amending Order 81-101, filed 8/25/81)

WAC 220-47-402 REEF NET—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with reef net gear except during the weekly open periods hereinafter designated:

~~((No weekly open periods))~~ Areas 7 and 7A – Weeks beginning September 28, October 5, 12, 19, 26, November 2, 9, 16, and 23 – Monday, Tuesday, and Wednesday.

AMENDATORY SECTION (Amending Order 81-101, filed 8/25/81)

WAC 220-47-403 REEF NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with reef net gear except during the daily open hours hereinafter designated:

~~((No open hours))~~ Areas 7 and 7A – September 28 through October 25: 5:00 a.m. to 9:00 p.m. Pacific daylight time; October 26 through November 29: 5:00 a.m. to 8:00 p.m. Pacific standard time.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-411 GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

- Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A – closed.
- Area 6D – September ((22)) 21 through October 25.
- Area 7B – July ((30)) 28 through November ((+3)) 29.
- Area 7C – July ((30)) 28 through August ((+5)) 16.
- Area 7D and 7E – closed.
- Area 8 – ~~((August 22))~~ October 26 through November ((4)) 22.
- Area 8A – September ((2)) 7 through ((October 29)) November 15.
- Areas 8D, 9, and 9A – closed.
- Area 10 – September ((+6)) 7 through ((October 29)) November 15.
- Areas 10A, 10C, 10D – closed.
- Area 10E – October ((+2)) 19 through ((October 30)) November 15.
- Areas 10F and 10G – closed.
- Area 11 – September ((+6)) 7 through ((October 29)) November 15.
- Area 11A – closed.
- Area 12 – September ((9)) 7 through ((October 29)) November 15.
- Area 12A – September ((9)) 7 through ((September 24)) October 11.
- Area ~~((+2C))~~ 12B – ((July 30)) September 7 through ((August +3)) November 15.
- Areas ~~((+2B))~~ 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-412 GILL NET—WEEKLY PERIODS. It is unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

- Area 6D – Weeks beginning September ((22, 29)) 21, 28, and October ((6 and +3)) 5 and 12: Sunday through Saturday. Week beginning October ((20)) 19: Sunday through Friday.
- Area 7B – Week beginning July ((28)) 27: Monday and Tuesday ((and Wednesday)) nights. Weeks beginning August ((4)) 3 and ((+)) 10 and October 26: Monday, Tuesday, and Wednesday nights. Weeks beginning September ((8, 15, 22)) 7, 14, 21, and ((29)) 28, and October ((6)) 5 and ((+3)) 12: Sunday through Saturday. Week beginning October ((20)) 19: Sunday through Friday. Week((s)) beginning ((October 27 and)) November ((+0)) 2: Sunday, Monday and Tuesday nights. ((Week beginning November 3: Sunday and Monday nights.))
- Area 7C – Week beginning July ((28)) 27: Monday and Tuesday ((and Wednesday)) nights. Weeks beginning August ((4)) 3 and ((+)) 10: Monday, Tuesday and Wednesday nights.
- Area 8 – ~~((Week beginning August 18: Thursday night. Week beginning August 25: Monday, Tuesday, and Wednesday nights.))~~ Week beginning October ((27)) 26: Monday night. Week beginning November ((3)) 2: Sunday night.
- Area 8A – ~~((Week beginning September 1: Tuesday night.))~~ Weeks beginning September ((8)) 7, 21 and October ((20)) 19 and ((27)) 26: Monday night. Week beginning September ((+5)) 14: ((Monday and Tuesday nights. Week beginning September 22: Sunday and Monday nights)) Sunday night.

Areas 10 and 11 – Weeks beginning October ((20 and 27)) 19: Monday night. Week beginning September ((+5)) 7: Monday and Tuesday nights. Week beginning September ((22)) 14: Sunday ((and Monday)) night((s)).

Area 10E – Weeks beginning October ((20)) 19 and ((27)) 26: Monday ((and Tuesday nights)) night.

Areas 12 and 12B – Weeks beginning September ((8)) 7 and ((22 and October 20 and 27)) 21: Monday and Tuesday nights. Week beginning September ((+5)) 14: Sunday and Monday ((and Tuesday)) nights. Weeks beginning October 19 and 26: Monday night.

Area 12A – Weeks beginning September ((8)) 7 and ((22)) 21: Monday and Tuesday nights. Week beginning September ((+5)) 14: Sunday and Monday ((and Tuesday)) nights.

~~((Area 12C – Week beginning July 28: Tuesday night. Weeks beginning August 4 and 11: Monday night.))~~

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-413 GILL NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

- July ((28)) 27 through August ((+0)) 9 – 7:00 p.m. to 9:30 a.m. Pacific daylight time in all open areas.
- August ((+)) 10 through September ((+4)) 13 – 6:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.
- September ((8)) 7 through October ((24)) 23 – open 24 hours per day in Area 7B.
- September ((22)) 21 through October ((24)) 23 – open 24 hours per day in Area 6D.
- October ((25)) 24 – 12:01 a.m. to 4:00 p.m. Pacific daylight time in Areas 6D and 7B.
- September ((+5)) 14 through October ((26)) 25 – 5:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.
- October ((27)) 26 through November ((+6)) 15 – 4:00 p.m. to 8:00 a.m. Pacific standard time in all open areas.
- November ((+7)) 16 through November ((30)) 29 – 3:00 p.m. to 9:00 a.m. Pacific standard time in all open areas.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-414 GILL NET—MESH SIZES. It is unlawful to take or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure or larger than the maximum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

- Area 6D – September ((22)) 21 through October 25: 5 inch minimum mesh.
- Area 7B – July ((28)) 27 through ((August 3: 5 inch minimum mesh; August 4 through)) September ((7)) 6: 7 inch minimum mesh; September ((8)) 7 through October ((26)) 25: 5 inch minimum mesh; October ((27)) 26 through November 30: 6 inch minimum mesh.
- Area 7C – July ((28)) 27 through ((August 3: 5 inch minimum mesh; August 4 through)) August ((+7)) 15: 7 inch minimum mesh.
- Area 8 – ~~((August 18 through September 7: 5 inch minimum mesh and 6 inch maximum mesh.))~~ October ((27)) 26 through November ((30)) 22: 6 inch minimum mesh.
- Area 8A – September ((8)) 7 through October ((+9)) 18: 5 inch minimum mesh; October ((20)) 19 through November ((30)) 15: 6 inch minimum mesh.
- Areas 10 and 11 – September ((8)) 7 through October ((+2)) 11: 5 inch minimum mesh; October ((+3)) 12 through November ((30)) 15: 6 inch minimum mesh.
- Area 10E – October ((20)) 19 through November ((30)) 15: 6 inch minimum mesh.
- Areas 12 and 12B – September ((8)) 15 through October ((+9)) 18: 5 inch minimum mesh; October ((20)) 19 through November ((30)) 15: 6 inch minimum mesh.
- Area 12A – September ((8)) 7 through ((September 28)) October 11: 5 inch minimum mesh.
- ~~((Area 12C – July 28 through September 7: 5 inch minimum mesh.))~~



**WSR 86-08-104**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed April 2, 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 this rule conforms Washington state regulations with those of the Pacific Fisheries Management Council for protection of groundfish stocks, and is needed until permanent regulations take effect.

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

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

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

APPROVED AND ADOPTED April 1, 1985 [1986].

By Gene DiDonato  
for William R. Wilkerson  
Director

NEW SECTION

**WAC 220-44-05000W COASTAL BOTTOM-FISH CATCH LIMITS.** Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) *Widow Rockfish (Sebastes entomelas)* – One vessel trip per week not to exceed 30,000 pounds. No restriction on landing up to 3,000 pounds per vessel trip.

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

(3) *Pacific ocean perch (Sebastes alutus)* – no restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 10,000 pounds of Pacific ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the

following Saturday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having a made a 1986 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following of which no more than 20,000 pounds may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species in any one calendar week of which no more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms covering 1985 landings have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1986 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, Wa., 98504, and must be post-marked at least seven days prior to the beginning of such fishing. The declaration of intent by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) *Sable fish* – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail except that an incidental catch less than the minimum size of 5,000 pounds is allowed; no vessel trip restrictions.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

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

**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.

**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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296-23-440	AMD-C	86-03-050	296-23-9401	REP	86-06-032	296-52-433	NEW-P	86-05-026
296-23-440	AMD-C	86-04-036	296-23-9402	REP-C	86-03-050	296-52-437	NEW-P	86-05-026
296-23-440	AMD	86-06-032	296-23-9402	REP-C	86-04-036	296-52-441	NEW-P	86-05-026
296-23-450	AMD-C	86-03-050	296-23-9402	REP	86-06-032	296-52-445	NEW-P	86-05-026
296-23-450	AMD-C	86-04-036	296-23-9403	REP-C	86-03-050	296-52-449	NEW-P	86-05-026
296-23-450	AMD	86-06-032	296-23-9403	REP-C	86-04-036	296-52-453	NEW-P	86-05-026
296-23-460	AMD-C	86-03-050	296-23-9403	REP	86-06-032	296-52-457	NEW-P	86-05-026
296-23-460	AMD-C	86-04-036	296-23-9409	REP-C	86-03-050	296-52-461	NEW-P	86-05-026
296-23-460	AMD	86-06-032	296-23-9409	REP-C	86-04-036	296-52-465	NEW-P	86-05-026
296-23-470	AMD-C	86-03-050	296-23-9409	REP	86-06-032	296-52-469	NEW-P	86-05-026
296-23-470	AMD-C	86-04-036	296-23-9410	REP-C	86-03-050	296-52-473	NEW-P	86-05-026
296-23-470	AMD	86-06-032	296-23-9410	REP-C	86-04-036	296-52-477	NEW-P	86-05-026
296-23-480	AMD-C	86-03-050	296-23-9410	REP	86-06-032	296-52-481	NEW-P	86-05-026
296-23-480	AMD-C	86-04-036	296-23-950	NEW-C	86-03-050	296-52-485	NEW-P	86-05-026
296-23-480	AMD	86-06-032	296-23-950	NEW-C	86-04-036	296-52-489	NEW-P	86-05-026
296-23-485	NEW-C	86-03-050	296-23-950	NEW	86-06-032	296-52-493	NEW-P	86-05-026
296-23-485	NEW-C	86-04-036	296-23-960	NEW-C	86-03-050	296-52-497	NEW-P	86-05-026
296-23-485	NEW	86-06-032	296-23-960	NEW-C	86-04-036	296-52-501	NEW-P	86-05-026
296-23-490	AMD-C	86-03-050	296-23-960	NEW	86-06-032	296-52-505	NEW-P	86-05-026
296-23-490	AMD-C	86-04-036	296-23-970	NEW-C	86-03-050	296-52-509	NEW-P	86-05-026
296-23-490	AMD	86-06-032	296-23-970	NEW-C	86-04-036	296-56-60001	AMD	86-03-064
296-23-495	AMD-C	86-03-050	296-23-970	NEW	86-06-032	296-56-60003	AMD	86-03-064
296-23-495	AMD-C	86-04-036	296-23-980	NEW-C	86-03-050	296-56-60005	AMD	86-03-064
296-23-495	AMD	86-06-032	296-23-980	NEW-C	86-04-036	296-56-60007	AMD	86-03-064
296-23-50001	AMD-C	86-03-050	296-23-980	NEW	86-06-032	296-56-60009	AMD	86-03-064
296-23-50001	AMD-C	86-04-036	296-24-21705	AMD	86-03-064	296-56-60011	AMD	86-03-064
296-23-50001	AMD	86-06-032	296-24-21707	AMD	86-03-064	296-56-60017	AMD	86-03-064
296-23-50002	AMD-C	86-03-050	296-24-21711	AMD	86-03-064	296-56-60019	AMD	86-03-064
296-23-50002	AMD-C	86-04-036	296-27-090	AMD	86-03-064	296-56-60023	AMD	86-03-064
296-23-50002	AMD	86-06-032	296-27-15501	NEW	86-03-064	296-56-60025	AMD	86-03-064
296-23-50003	AMD-C	86-03-050	296-27-15501	NEW	86-03-064	296-56-60027	AMD	86-03-064
296-23-50003	AMD-C	86-04-036	296-27-15505	NEW	86-03-064	296-56-60029	AMD	86-03-064
296-23-50003	AMD	86-06-032	296-27-16009	AMD	86-03-064	296-56-60031	AMD	86-03-064
296-23-50004	AMD-C	86-03-050	296-52-010	REP-P	86-05-026	296-56-60037	AMD	86-03-064
296-23-50004	AMD-C	86-04-036	296-52-012	REP-P	86-05-026	296-56-60039	AMD	86-03-064
296-23-50004	AMD	86-06-032	296-52-020	REP-P	86-05-026	296-56-60041	AMD	86-03-064
296-23-50005	AMD-C	86-03-050	296-52-025	REP-P	86-05-026	296-56-60043	AMD	86-03-064
296-23-50005	AMD-C	86-04-036	296-52-027	REP-P	86-05-026	296-56-60049	AMD	86-03-064
296-23-50005	AMD	86-06-032	296-52-030	REP-P	86-05-026	296-56-60051	AMD	86-03-064
296-23-50006	AMD-C	86-03-050	296-52-040	REP-P	86-05-026	296-56-60053	AMD	86-03-064
296-23-50006	AMD-C	86-04-036	296-52-043	REP-P	86-05-026	296-56-60055	AMD	86-03-064
296-23-50006	AMD	86-06-032	296-52-050	REP-P	86-05-026	296-56-60057	AMD	86-03-064
296-23-50008	AMD-C	86-03-050	296-52-060	REP-P	86-05-026	296-56-60059	AMD	86-03-064
296-23-50008	AMD-C	86-04-036	296-52-080	REP-P	86-05-026	296-56-60060	AMD	86-03-064
296-23-50008	AMD	86-06-032	296-52-090	REP-P	86-05-026	296-56-60062	AMD	86-03-064
296-23-50009	AMD-C	86-03-050	296-52-095	REP-P	86-05-026	296-56-60065	AMD	86-03-064
296-23-50009	AMD-C	86-04-036	296-52-100	REP-P	86-05-026	296-56-60067	AMD	86-03-064
296-23-50009	AMD	86-06-032	296-52-110	REP-P	86-05-026	296-56-60069	AMD	86-03-064
296-23-50012	AMD-C	86-03-050	296-52-120	REP-P	86-05-026	296-56-60073	AMD	86-03-064
296-23-50012	AMD-C	86-04-036	296-52-140	REP-P	86-05-026	296-56-60075	AMD	86-03-064
296-23-50012	AMD	86-06-032	296-52-150	REP-P	86-05-026	296-56-60077	AMD	86-03-064
296-23-50013	AMD-C	86-03-050	296-52-160	REP-P	86-05-026	296-56-60079	AMD	86-03-064

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-56-60081	AMD	86-03-064	296-56-99005	REP	86-03-064	296-92-090	REP	86-03-029
296-56-60083	AMD	86-03-064	296-56-99006	REP	86-03-064	296-92-100	REP	86-03-029
296-56-60085	AMD	86-03-064	296-62-05403	AMD-P	86-06-051	296-92-110	REP	86-03-029
296-56-60087	AMD	86-03-064	296-62-05405	AMD-P	86-06-051	296-93-010	AMD	86-03-030
296-56-60089	AMD	86-03-064	296-62-05407	AMD-P	86-06-051	296-93-050	AMD	86-03-030
296-56-60091	AMD	86-03-064	296-62-05413	AMD-P	86-06-051	296-93-060	REP	86-03-030
296-56-60093	AMD	86-03-064	296-62-05415	AMD-P	86-06-051	296-93-070	AMD	86-03-030
296-56-60095	AMD	86-03-064	296-62-05417	AMD-P	86-06-051	296-93-110	REP	86-03-030
296-56-60097	AMD	86-03-064	296-62-05425	AMD-P	86-06-051	296-93-120	AMD	86-03-030
296-56-60098	AMD	86-03-064	296-62-05427	NEW-P	86-06-051	296-93-130	REP	86-03-030
296-56-60101	AMD	86-03-064	296-64-400	REP-P	86-06-051	296-93-170	AMD	86-03-030
296-56-60103	AMD	86-03-064	296-64-405	REP-P	86-06-051	296-93-180	REP	86-03-030
296-56-60107	AMD	86-03-064	296-64-410	REP-P	86-06-051	296-93-200	AMD	86-03-030
296-56-60109	AMD	86-03-064	296-64-415	REP-P	86-06-051	296-93-210	AMD	86-03-030
296-56-60110	AMD	86-03-064	296-64-420	REP-P	86-06-051	296-93-220	AMD	86-03-030
296-56-60111	AMD	86-03-064	296-64-425	REP-P	86-06-051	296-93-230	AMD	86-03-030
296-56-60113	AMD	86-03-064	296-81-007	AMD	86-03-024	296-94-010	NEW	86-03-032
296-56-60115	AMD	86-03-064	296-81-010	AMD	86-03-024	296-94-020	NEW	86-03-032
296-56-60117	AMD	86-03-064	296-81-260	AMD	86-03-024	296-94-030	NEW	86-03-032
296-56-60119	AMD	86-03-064	296-83-010	REP	86-03-025	296-94-040	NEW	86-03-032
296-56-60121	AMD	86-03-064	296-83-015	REP	86-03-025	296-94-050	NEW	86-03-032
296-56-60122	NEW	86-03-064	296-83-020	REP	86-03-025	296-94-060	NEW	86-03-032
296-56-60123	AMD	86-03-064	296-83-025	REP	86-03-025	296-94-070	NEW	86-03-032
296-56-60125	AMD	86-03-064	296-83-030	REP	86-03-025	296-94-080	NEW	86-03-032
296-56-60127	AMD	86-03-064	296-83-035	REP	86-03-025	296-94-090	NEW	86-03-032
296-56-60129	AMD	86-03-064	296-83-040	REP	86-03-025	296-94-100	NEW	86-03-032
296-56-60131	AMD	86-03-064	296-83-045	REP	86-03-025	296-94-110	NEW	86-03-032
296-56-60133	AMD	86-03-064	296-83-050	REP	86-03-025	296-94-120	NEW	86-03-032
296-56-60135	AMD	86-03-064	296-83-055	REP	86-03-025	296-94-130	NEW	86-03-032
296-56-60139	AMD	86-03-064	296-83-060	REP	86-03-025	296-94-140	NEW	86-03-032
296-56-60141	AMD	86-03-064	296-83-065	REP	86-03-025	296-94-150	NEW	86-03-032
296-56-60143	AMD	86-03-064	296-83-070	REP	86-03-025	296-94-160	NEW	86-03-032
296-56-60145	AMD	86-03-064	296-83-075	REP	86-03-025	296-94-170	NEW	86-03-032
296-56-60147	AMD	86-03-064	296-83-080	REP	86-03-025	296-94-180	NEW	86-03-032
296-56-60151	AMD	86-03-064	296-83-085	REP	86-03-025	296-94-190	NEW	86-03-032
296-56-60153	AMD	86-03-064	296-86-020	AMD	86-03-026	296-94-200	NEW	86-03-032
296-56-60155	AMD	86-03-064	296-86-030	AMD	86-03-026	296-94-210	NEW	86-03-032
296-56-60157	AMD	86-03-064	296-86-060	AMD	86-03-026	296-94-220	NEW	86-03-032
296-56-60159	AMD	86-03-064	296-86-070	AMD	86-03-026	296-94-230	NEW	86-03-032
296-56-60161	AMD	86-03-064	296-86-075	AMD	86-03-026	296-94-240	NEW	86-03-032
296-56-60167	AMD	86-03-064	296-87-001	NEW	86-03-033	296-94-250	NEW	86-03-032
296-56-60169	AMD	86-03-064	296-87-020	AMD	86-03-033	296-100-001	NEW	86-03-031
296-56-60171	AMD	86-03-064	296-87-040	AMD	86-03-033	296-100-050	NEW	86-03-031
296-56-60180	AMD	86-03-064	296-87-060	AMD	86-03-033	296-100-060	NEW	86-03-031
296-56-60183	AMD	86-03-064	296-87-080	AMD	86-03-033	296-104-210	AMD-P	86-04-060
296-56-60189	AMD	86-03-064	296-87-120	AMD	86-03-033	296-104-210	AMD	86-07-064
296-56-60191	AMD	86-03-064	296-88-001	REP	86-03-027	296-104-500	AMD	86-04-059
296-56-60193	AMD	86-03-064	296-88-010	REP	86-03-027	296-104-501	NEW	86-04-059
296-56-60195	AMD	86-03-064	296-88-020	REP	86-03-027	296-104-515	AMD	86-04-059
296-56-60199	AMD	86-03-064	296-88-030	REP	86-03-027	296-116-080	AMD	86-07-010
296-56-60201	AMD	86-03-064	296-88-040	REP	86-03-027	296-127-010	AMD	86-03-063
296-56-60205	AMD	86-03-064	296-88-050	REP	86-03-027	296-127-020	AMD	86-03-063
296-56-60207	AMD	86-03-064	296-88-060	REP	86-03-027	296-127-130	NEW	86-03-063
296-56-60209	AMD	86-03-064	296-88-070	REP	86-03-027	296-127-140	NEW	86-03-063
296-56-60211	AMD	86-03-064	296-88-080	REP	86-03-027	296-127-150	NEW	86-03-063
296-56-60215	AMD	86-03-064	296-88-090	REP	86-03-027	296-127-160	NEW	86-03-063
296-56-60217	AMD	86-03-064	296-88-100	REP	86-03-027	296-127-170	NEW	86-03-063
296-56-60219	AMD	86-03-064	296-88-110	REP	86-03-027	296-127-180	NEW	86-03-063
296-56-60221	AMD	86-03-064	296-88-120	REP	86-03-027	296-127-190	NEW	86-03-063
296-56-60223	AMD	86-03-064	296-88-130	REP	86-03-027	296-127-200	NEW	86-03-063
296-56-60229	AMD	86-03-064	296-90-010	REP	86-03-028	296-127-210	NEW	86-03-063
296-56-60231	AMD	86-03-064	296-90-020	REP	86-03-028	296-127-220	NEW	86-03-063
296-56-60233	AMD	86-03-064	296-90-030	REP	86-03-028	296-127-300	NEW	86-03-063
296-56-60235	AMD	86-03-064	296-90-040	REP	86-03-028	296-127-310	NEW	86-03-063
296-56-60237	AMD	86-03-064	296-90-050	REP	86-03-028	296-127-320	NEW	86-03-063
296-56-60239	AMD	86-03-064	296-90-060	REP	86-03-028	296-132-005	REP-P	86-05-027
296-56-60241	AMD	86-03-064	296-90-070	REP	86-03-028	296-132-005	REP	86-08-015
296-56-60243	AMD	86-03-064	296-90-080	REP	86-03-028	296-132-010	REP-P	86-05-027
296-56-60245	AMD	86-03-064	296-90-090	REP	86-03-028	296-132-010	REP	86-08-015
296-56-60249	AMD	86-03-064	296-92-010	REP	86-03-029	296-132-015	REP-P	86-05-027
296-56-60251	AMD	86-03-064	296-92-020	REP	86-03-029	296-132-015	REP	86-08-015
296-56-60253	AMD	86-03-064	296-92-030	REP	86-03-029	296-132-050	REP-P	86-05-027
296-56-990	REP	86-03-064	296-92-040	REP	86-03-029	296-132-050	REP	86-08-015
296-56-99001	REP	86-03-064	296-92-050	REP	86-03-029	296-132-055	REP-P	86-05-027
296-56-99002	AMD	86-03-064	296-92-060	REP	86-03-029	296-132-055	REP	86-08-015
296-56-99003	AMD	86-03-064	296-92-070	REP	86-03-029	296-132-060	REP-P	86-05-027
296-56-99004	REP	86-03-064	296-92-080	REP	86-03-029	296-132-060	REP	86-08-015

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296-132-065	REP	86-08-015	296-155-009	NEW	86-03-074
296-132-100	REP-P	86-05-027	296-155-010	AMD-C	86-03-073
296-132-100	REP	86-08-015	296-155-010	AMD	86-03-074
296-132-105	REP-P	86-05-027	296-155-012	AMD-C	86-03-073
296-132-105	REP	86-08-015	296-155-012	AMD	86-03-074
296-132-110	REP-P	86-05-027	296-155-020	AMD-C	86-03-073
296-132-110	REP	86-08-015	296-155-020	AMD	86-03-074
296-132-115	REP-P	86-05-027	296-155-035	AMD-C	86-03-073
296-132-115	REP	86-08-015	296-155-035	AMD	86-03-074
296-132-120	REP-P	86-05-027	296-155-100	AMD-C	86-03-073
296-132-120	REP	86-08-015	296-155-100	AMD	86-03-074
296-132-125	REP-P	86-05-027	296-155-110	AMD-C	86-03-073
296-132-125	REP	86-08-015	296-155-110	AMD	86-03-074
296-132-130	REP-P	86-05-027	296-155-120	AMD-C	86-03-073
296-132-130	REP	86-08-015	296-155-120	AMD	86-03-074
296-132-135	REP-P	86-05-027	296-155-125	AMD-C	86-03-073
296-132-135	REP	86-08-015	296-155-125	AMD	86-03-074
296-132-140	REP-P	86-05-027	296-155-130	AMD-C	86-03-073
296-132-140	REP	86-08-015	296-155-130	AMD	86-03-074
296-132-145	REP-P	86-05-027	296-155-140	AMD-C	86-03-073
296-132-145	REP	86-08-015	296-155-140	AMD	86-03-074
296-132-150	REP-P	86-05-027	296-155-155	AMD-C	86-03-073
296-132-150	REP	86-08-015	296-155-155	AMD	86-03-074
296-132-151	REP-P	86-05-027	296-155-160	AMD-C	86-03-073
296-132-151	REP	86-08-015	296-155-160	AMD	86-03-074
296-132-152	REP-P	86-05-027	296-155-165	AMD-C	86-03-073
296-132-152	REP	86-08-015	296-155-165	AMD	86-03-074
296-132-155	REP-P	86-05-027	296-155-200	AMD-C	86-03-073
296-132-155	REP	86-08-015	296-155-200	AMD	86-03-074
296-132-160	REP-P	86-05-027	296-155-201	AMD-C	86-03-073
296-132-160	REP	86-08-015	296-155-201	AMD	86-03-074
296-132-200	REP-P	86-05-027	296-155-203	NEW-C	86-03-073
296-132-200	REP	86-08-015	296-155-203	NEW	86-03-074
296-132-205	REP-P	86-05-027	296-155-20301	NEW-C	86-03-073
296-132-205	REP	86-08-015	296-155-20301	NEW	86-03-074
296-132-210	REP-P	86-05-027	296-155-20303	NEW-C	86-03-073
296-132-210	REP	86-08-015	296-155-20305	NEW-C	86-03-073
296-132-215	REP-P	86-05-027	296-155-20307	NEW-C	86-03-073
296-132-215	REP	86-08-015	296-155-20307	NEW	86-03-074
296-132-220	REP-P	86-05-027	296-155-205	AMD-C	86-03-073
296-132-220	REP	86-08-015	296-155-205	AMD	86-03-074
296-132-225	REP-P	86-05-027	296-155-211	NEW-C	86-03-073
296-132-225	REP	86-08-015	296-155-211	NEW	86-03-074
296-132-226	REP-P	86-05-027	296-155-212	AMD-C	86-03-073
296-132-226	REP	86-08-015	296-155-212	AMD	86-03-074
296-132-250	REP-P	86-05-027	296-155-225	AMD-C	86-03-073
296-132-250	REP	86-08-015	296-155-225	AMD	86-03-074
296-132-255	REP-P	86-05-027	296-155-230	AMD-C	86-03-073
296-132-255	REP	86-08-015	296-155-230	AMD	86-03-074
296-132-260	REP-P	86-05-027	296-155-250	AMD-C	86-03-073
296-132-260	REP	86-08-015	296-155-250	AMD	86-03-074
296-132-265	REP-P	86-05-027	296-155-260	AMD-C	86-03-073
296-132-265	REP	86-08-015	296-155-260	AMD	86-03-074
296-132-301	REP-P	86-05-027	296-155-270	AMD-C	86-03-073
296-132-301	REP	86-08-015	296-155-270	AMD	86-03-074
296-132-302	REP-P	86-05-027	296-155-275	AMD-C	86-03-073
296-132-302	REP	86-08-015	296-155-275	AMD	86-03-074
296-132-306	REP-P	86-05-027	296-155-300	AMD-C	86-03-073
296-132-306	REP	86-08-015	296-155-300	AMD	86-03-074
296-132-311	REP-P	86-05-027	296-155-305	AMD-C	86-03-073
296-132-311	REP	86-08-015	296-155-305	AMD	86-03-074
296-132-316	REP-P	86-05-027	296-155-325	AMD-C	86-03-073
296-132-316	REP	86-08-015	296-155-325	AMD	86-03-074
296-132-350	REP-P	86-05-027	296-155-330	AMD-C	86-03-073
296-132-350	REP	86-08-015	296-155-330	AMD	86-03-074
296-132-360	REP-P	86-05-027	296-155-335	AMD-C	86-03-073
296-132-360	REP	86-08-015	296-155-335	AMD	86-03-074
296-132-370	REP-P	86-05-027	296-155-34911	AMD-C	86-03-073
296-132-370	REP	86-08-015	296-155-34911	AMD	86-03-074
296-132-380	REP-P	86-05-027	296-155-34912	AMD-C	86-03-073
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296-155-003	AMD-C	86-03-073	296-155-34913	AMD	86-03-074
296-155-003	AMD	86-03-074	296-155-34914	AMD-C	86-03-073
296-155-005	AMD-C	86-03-073	296-155-34914	AMD	86-03-074
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296-155-355	AMD-C	86-03-073			
296-155-360	AMD-C	86-03-073			
296-155-363	NEW-C	86-03-073			
296-155-36301	NEW-C	86-03-073			
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296-155-545	AMD-C	86-03-073	296-155-855	REP	86-03-074	308-53-070	AMD-P	86-07-059
296-155-545	AMD	86-03-074	296-155-860	REP-C	86-03-073	308-53-075	NEW-P	86-08-092
296-155-570	AMD-C	86-03-073	296-155-860	REP	86-03-074	308-53-080	REP-P	86-08-092
296-155-570	AMD	86-03-074	296-155-865	REP-C	86-03-073	308-53-084	NEW-P	86-08-092
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296-155-576	AMD-C	86-03-073	296-155-870	REP	86-03-074	308-53-105	NEW-P	86-08-092
296-155-580	AMD-C	86-03-073	296-155-875	REP-C	86-03-073	308-53-125	AMD-P	86-08-092
296-155-580	AMD	86-03-074	296-155-875	REP	86-03-074	308-53-212	NEW-P	86-08-092
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296-155-610	AMD-C	86-03-073	296-155-885	REP-C	86-03-073	308-61-025	AMD	86-03-011
296-155-610	AMD	86-03-074	296-155-885	REP	86-03-074	308-61-026	NEW	86-03-011
296-155-615	AMD-C	86-03-073	296-155-890	REP-C	86-03-073	308-61-027	REP	86-03-011
296-155-615	AMD	86-03-074	296-155-890	REP	86-03-074	308-61-030	AMD	86-03-011
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296-155-61701	NEW	86-03-074	296-155-900	REP	86-03-074	308-61-105	NEW	86-03-011
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296-155-61703	NEW	86-03-074	296-155-905	REP	86-03-074	308-61-110	REP	86-03-011
296-155-61705	NEW-C	86-03-073	296-155-910	REP-C	86-03-073	308-61-115	NEW	86-03-011
296-155-61705	NEW	86-03-074	296-155-910	REP	86-03-074	308-61-120	REP	86-03-011
296-155-61707	NEW-C	86-03-073	296-155-915	REP-C	86-03-073	308-61-125	NEW	86-03-011
296-155-61707	NEW	86-03-074	296-155-915	REP	86-03-074	308-61-130	REP	86-03-011
296-155-61709	NEW-C	86-03-073	296-155-920	REP-C	86-03-073	308-61-135	NEW	86-03-011
296-155-61709	NEW	86-03-074	296-155-920	REP	86-03-074	308-61-140	REP	86-03-011
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296-155-61711	NEW	86-03-074	296-155-950	AMD	86-03-074	308-61-150	REP	86-03-011
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296-155-61713	NEW	86-03-074	296-350-400	AMD	86-03-064	308-61-158	NEW	86-03-011
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296-155-66005	NEW	86-03-074	308-04-010	AMD-P	86-04-090	308-61-405	NEW	86-08-028
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296-155-690	AMD	86-03-074	308-13-015	AMD-P	86-07-058	308-93-078	NEW-P	86-07-060
296-155-695	AMD-C	86-03-073	308-13-040	AMD-P	86-07-058	308-93-079	NEW-P	86-07-060
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296-155-705	AMD	86-03-074	308-25-025	REP-P	86-05-032	308-96A-030	REP-P	86-03-010
296-155-720	AMD-C	86-03-073	308-25-030	REP-P	86-05-032	308-96A-035	AMD-P	86-03-010
296-155-720	AMD	86-03-074	308-25-035	NEW-P	86-05-032	308-96A-040	AMD-P	86-03-010
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296-155-725	AMD	86-03-074	308-40-102	AMD	86-08-046	308-96A-055	REP-P	86-03-010
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296-155-750	AMD-C	86-03-073	308-50-330	AMD-P	86-05-034	308-96A-100	AMD-P	86-03-010
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390-24-105	AMD	86-08-030	400-06-020	NEW	86-04-055	446-55-080	NEW	86-08-067
390-24-110	AMD-P	86-05-041	400-06-030	NEW	86-04-055	446-55-090	NEW-P	86-05-015
390-24-110	AMD	86-08-030	400-06-050	NEW	86-04-055	446-55-090	NEW	86-08-067
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390-24-200	AMD	86-08-030	400-06-100	NEW	86-04-055	446-55-110	NEW	86-08-067
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