

Washington State Register

APRIL 15, 1987

OLYMPIA, WASHINGTON

ISSUE 87-08



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of April 1987 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1987 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

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.

1986 - 1987

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
86-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987
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87-01	Nov 26	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 27
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87-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24
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¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

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

³No 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 87-08-001
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 86-42—Filed March 20, 1987]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Puyallup, city of, amending WAC 173-19-3508.

This action is taken pursuant to Notice No. WSR 87-02-003 filed with the code reviser on December 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 RCW 90.58.120 and [90.58].200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 18, 1987.

By Phillip C. Johnson
 Deputy Director, Programs

AMENDATORY SECTION (Amending Order DE 83-15, filed 5/24/83)

WAC 173-19-3508 PUYALLUP, CITY OF. City of Puyallup master program approved May 31, 1974. Revision approved May 24, 1983. Revision approved March 18, 1987

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 87-08-002
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
 [Filed March 20, 1987]

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

Amd	WAC 504-24-020	Social policies and procedures.
Amd	WAC 504-24-030	Housing regulations for undergraduates.
Amd	WAC 504-28-010	to 504-28-060 Policies and regulations applying to all student organizations.
Amd	WAC 504-32-010	to 504-32-060 Rules for use of mall.
Amd	WAC 504-34-010	to 504-34-120 Facilities use.
New	WAC 504-24-015	Agreed resolutions in student discipline cases;

that the institution will at 9:30 a.m., Tuesday, May 5, 1987, in Room 212, Compton Union Building, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 8, 1987.

The authority under which these rules are proposed is chapter 28B.19 RCW, RCW 28B.30.095, 28B.30.125 and 28.30.150 [28B.30.150].

The specific statute these rules are intended to implement is RCW 28B.30.125.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before 5:00 p.m., May 5, 1987.

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

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

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

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

Joan Menzies
 337 Compton Union Building
 Washington State University
 Pullman, WA 99164
 (509) 335-9666

Dated: March 17, 1987

By: Maureen M. Anderson
 Vice Provost for Student Affairs

STATEMENT OF PURPOSE

Title of Rules: WAC 504-24-015 Agreed resolutions in student discipline cases; 504-24-020 Social policies and procedures; 504-24-030 Housing regulations for undergraduates; chapter 504-28 WAC, Policies and regulations applying to all student organizations; chapter 504-32 WAC, Rules for use of mall; WAC 504-32-020 Recognized organizations who schedule; and chapter 504-34 WAC, Washington State University facility use regulations.

Statutory Authority: Chapter 28B.19 RCW, RCW 28B.30.095, 28B.30.125 and 28B.30.150.

Purpose of Rules: Generally, the amendments of rules update previous rules by changing names of offices and officers to reflect the current organizational structure of the university. Substantive changes include a procedure for agreed resolutions of student disciplinary matters. WAC 504-24-015, to make more efficient handling of student discipline cases possible where appropriate, to make known that such a procedure exists and to inform students of the consequences of agreed resolutions. The amendments of visitation rules in residence halls, WAC 504-24-020, grant greater flexibility to residence halls in setting security hours by removing the current procedure for setting hours. The amendment of the housing regulations increases the time undergraduate students are required to spend in university-recognized housing. WAC 504-24-030, a new exemption to this requirement in cases of financial hardship has been added. Amendment of the rules for student groups are mostly editorial and update the rules to conform to current practice. An amendment of WAC 504-28-010 (3)(c) expands the categories for which a group may not discriminate.

Amendments of chapters 504-32 and 504-34 WAC update current language. An unnecessary rule, WAC 504-32-020, has been repealed.

Summary of Rules: A new section, WAC 504-24-015, permits the office of the vice provost for student affairs to negotiate resolutions where appropriate in student conduct cases. The rule describes the procedure used and the effect upon the student. An amendment of WAC 504-24-020 deletes the current procedure for living groups to determine visitation schedules. Freshmen will be required, by a change of WAC 504-24-030, to live in university-recognized living groups for one academic year instead of the current one semester. The amendment of WAC 504-24-030 adds an exemption for financial hardship and describes the procedure for petitioning for an exemption. Amendment of chapters 504-28, 504-32 and 504-34 WAC reflect changes in the names of officers and offices of the university. There are changes clarifying rights of membership in organizations, WAC 504-28-010, and regarding use of tables in the Compton Union Building, WAC 504-28-050. An amendment of WAC 504-28-010 prohibits recognition of student organizations which deny membership on account of age, marital status, sexual preference, color or national origin.

Reasons Which Support the Proposed Action: The housekeeping changes are necessary to provide accurate information. The inclusion of a new section permitting agreed resolutions of student discipline problems was necessitated to assure efficient administration of student conduct while at the same time providing fairness to students. The change in the visitation rule gives greater flexibility for residence halls to set their visitation policies. The extension of the requirement for freshmen to live in living groups for one academic year rather than one semester permits greater integration of newer and younger students into university life. The anti-discrimination provisions were implemented to reflect current law and to prevent discrimination on the basis of factors unrelated to need and ability to participate in student organizations.

Name of Person Proposing Rules: Maureen Anderson, Vice Provost for Student Affairs, Washington State University.

Agency Personnel Responsible for Drafting: Joan Menzies, Activities/Recreation Office, 337 Compton Union Building, (509) 335-9666, and George Bettas, Residence Living, Streit-Perham Hall, (509) 335-2611; Implementation and Enforcement: Maureen Anderson, Vice Provost for Student Affairs, 332 French Administration Building, (509) 335-4531.

These rules are not proposed as a result in a change in the law.

Agency Comments: None.

WAC 504-24
POLICIES AND REGULATIONS APPLYING TO ALL
STUDENTS

NEW SECTION

WAC 504-24-015 AGREED RESOLUTIONS IN STUDENT DISCIPLINE CASES. (1) University Conduct Administrator. The University Conduct Administrator is the person designated by the Vice Provost for Student Affairs to conduct investigations and to negotiate

agreed resolutions where appropriate in cases within the jurisdiction of the University Conduct Committee.

(2) Negotiation. At any point before the hearing of a disciplinary matter, the University Conduct Administrator or student may seek an agreed resolution. The Administrator will state the charge or charges which are then contemplated and give a summary of the alleged conduct supporting each charge. The Administrator may state the penalty which may be imposed or which he or she anticipates recommending to the University Conduct Committee. The Administrator may give additional information at his or her discretion. If the student agrees to the resolution, the student will sign a Statement of Agreed Resolution and Waiver of Hearing Rights. The Administrator may agree to drop other charges as part of an agreed resolution.

(3) Effect of Agreed Resolution on Future Conduct Actions. Agreed resolutions may be considered by judicial bodies when ruling in future disciplinary hearings. If the student has filed an explanatory statement as provided in subsection 4, below, that statement shall also be considered in future hearings at the request of the student or it may be considered without such a request.

(4) Filing Agreed Resolutions and Explanatory Statements. All agreed resolutions shall be filed with the Office of Student Affairs. Any student agreeing to a resolution may file, within ten days of signing the resolution, an explanatory statement regarding the student's actions or the discipline imposed. The explanatory statement is filed with the agreed resolution in the Office of Student Affairs.

(5) Violation of Terms of Agreed Resolution. A student's violation of the terms of an agreed resolution is a basis for further action by the Administrator and the University Conduct Committee.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-24-020 SOCIAL POLICIES AND PROCEDURES.

(1) Security hours.

(a) Living groups are secured during the following hours:
11:00 p.m.-6:30 a.m. daily.

(b) It is understood that a living group has the prerogative of maintaining additional security hours if decided by a vote of the living group. The living group's current security hours should be on file in the ~~(office of student affairs)~~ Department of Residence Living.

(2) Guest rules.

(a) Guests must comply with the regulations of the living groups they are visiting.

(b) Keys or card keys will not be issued to guests.

(c) The host or hostess shall be responsible for the action(s) of guests.

(d) All guests must be escorted while in the building.

(e) Guests are defined as anyone not residing in the residence hall.

(3) Visitation.

Each living group is permitted to develop its own visitation schedule for its main lounge and lobbies. No visitation on living floors is permitted between hours of 2:00 a.m. and 6:30 a.m.

~~(In developing their own schedules, the following procedures and policies shall be followed:~~

~~(a) Members of the living group will vote by secret ballot on the length of time visiting hours are scheduled:~~

~~(i) Two-thirds of the membership must approve the plan adopted:~~

~~(ii) Sections or individual floors may have a more restrictive policy than that approved by the entire house:~~

~~(iii) Hours established for visitation and their continuation are to be reviewed each semester by each living group:~~

~~(b) The governing body and staff of each living group shall be responsible for the enforcement of the visitation policy:~~

~~(c) Upon adoption by the living group, all visitation policies must be presented to the office of student affairs for approval. Living groups must indicate the hours selected and the steps to be taken to protect all members' rights to privacy:~~

~~(i) The office of student affairs reserves the right to restrict the visitation schedules of any living group which fails to maintain an atmosphere conducive to educational achievement for all its residents:))~~

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-24-030 HOUSING REGULATIONS FOR UNDERGRADUATES. (1) ~~(On-campus)~~ University-recognized housing includes residence halls, fraternities, ~~(and)~~ sororities, and co-op houses.

(2) Housing requirements for single undergraduate students. All single undergraduate freshmen under twenty years of age are required

to live in organized living groups which are officially recognized by the University (residence halls, fraternities and sororities) for one ~~((semester))~~ academic year. ~~((unless they are residing with parents or legal guardians. Exemptions will be provided for when a student demonstrates to the office of student affairs that:))~~

(a) Exemptions. Exemptions will be considered when a student demonstrates to the Department of Residence Living that:

~~((a)) (i) ((He or she))~~ The student has attended an institution of higher education as a regularly enrolled student for at least two regular semesters or three regular quarters (excluding summer sessions).

~~((b)) (ii) ((He or she))~~ The student is living with immediate family in a family situation (mother and/or father~~((+))~~); legal guardian; ~~((married brother or sister))~~ aunt or uncle; or grandparents ~~((qualify as immediate family))~~.

~~((c)) (iii) ((He or she))~~ The student has secured a statement from a physician or psychologist stating that residence in ~~((a living group))~~ recognized student housing would have detrimental effects on the student's physical health or emotional well-being.

(iv) The student can demonstrate that living in recognized University housing would cause undue financial hardship.

(b) Process. Applications for permission to reside off campus are available from the Washington State University Department of Residence Living, Streit-Perham Office Suite, Pullman, WA 99164-1726. Applications are reviewed and a determination is made whether an exemption will be granted. Persons applying for such exemption will be informed of the decision in writing. Requests for reconsideration of the decision may be submitted to the Vice Provost for Student Affairs. The Office of the Vice Provost for Student Affairs will evaluate the appeal and approve or deny the appeal.

(3) Living group discipline jurisdiction~~((+))~~.

(a) Residence halls: Each University residence hall has a framework of rules, policies and traditions for the effective operation of its program. A student in signing a residence hall contract agrees to abide by the rules governing members of a University residence hall.

Standards boards in the residence halls working closely with their ~~((head residents))~~ Residence Hall Directors and the Office of Residence Living are encouraged to act on such internal disciplinary problems as they feel competent to deal with effectively. Cases beyond their jurisdiction will be handled by the Office of Student Affairs or the University Conduct Committee as the nature of the problem determines.

(b) Fraternities-sororities: Each of the ~~((38))~~ Greek letter living groups has developed policies and regulations governing the conduct of members and the operation of the organizations. A student in joining one of these groups assumes certain responsibilities of the living group organization.

Student officers in fraternities and sororities working closely with their ~~((advisers))~~ advisors and the Office of Residence Living are encouraged to act on such discipline problems involving their members as they feel competent to deal with effectively. Cases beyond their jurisdiction will be handled by the Office of Student Affairs or the University Conduct Committee as the nature of the problem determines.

(c) Off-campus students: Discipline cases involving students not living in organized groups will be handled directly by the Office of Student Affairs or the University Conduct Committee.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-28-010 STUDENT ORGANIZATIONS. (1) The Student Activities Board is the ~~((faculty/student))~~ student senate committee which recommends and reviews policies pertaining to all student organizations and assists with the planning of their activities. The Board also serves as an appeal body.

(2) Membership in organizations.

(a) ~~((Active membership in student organizations will be restricted to graduate and undergraduate students unless the organization's constitution provides specifically for active faculty and staff members:))~~ Full membership in student organizations will be restricted to enrolled graduate and undergraduate students at Washington State University.

(b) ~~((Faculty and others may participate as honorary or associate members at the option of the group or as specified in its constitution:))~~ Faculty and others may participate as honorary or associate members ~~((at the option of the group))~~ as specified in the group's constitution.

(c) ~~((To be eligible for an elective office, a student (undergraduate or graduate) must be a regularly enrolled student:))~~ Only full members may be eligible to vote on matters of business or hold elective office in the organization.

(3) Obtaining recognition for organizations.

(a) To become an approved student organization, recognition must be granted from the Student Activities Board. Contact the Activities ~~((center))~~/Recreation Office, ~~((3rd Floor CUB))~~ CUB 337.

(b) Before requesting recognition, the group must hold a meeting of interested persons to plan a program, draft a constitution, elect officers, and select an advisor. Constitutions normally include:

(i) Name of the organization.

(ii) Purpose and objectives.

(iii) Qualifications for membership.

(iv) Sources of financial support (e.g., dues, initiation fees, local and national aid, and financial projects).

(v) Description of offices including qualifications, duties and method of election.

(vi) National-local affiliations and any financial obligation (to an affiliate) resulting therefrom.

(vii) Parliamentary authority and method of amending the constitution.

(viii) Adoption and amendment procedures.

(ix) A description of the organization's safety program.

(x) Responsibilities of the advisor.

(c) Washington State University will not recognize any student organization which denies membership to any student because of race, religion, sex, color, national or ethnic origin, sexual preference, age, marital status, or handicap. Recognized student organizations must insure that additional policies and procedures do not create de facto differentiation.

(d) Students who feel they have been denied membership in violation of regulation (3)(c) above may appeal to the Student Activities Board.

(4) Requirements and responsibilities of recognized organizations.

(a) Officers of organizations are responsible for seeing that the organization abides by University rules and regulations, concerning scheduling, financial projects, advertising, and other policies of the Student Activities Board.

(b) Recognized organizations must have an advisor (see WAC 504-28-020 Advisors).

(c) Funds must be deposited into a Faculty, Student, and Alumni account in the Controller's Office, which acts as a free banking service.

(d) The following records must be kept current in the ~~((Student))~~ Activities ~~((center))~~/Recreation Office:

(i) Constitution and bylaws.

(ii) Officer roster card.

(iii) Annual report (forms available in the Activities ~~((center))~~/Recreation Office including activities, accomplishments, and financial status.

(iv) ~~((Financial Project Reports))~~ Registration of Event forms.

(e) Recognized organizations must have a safety program unless its activity has absolutely no risk to members or others.

(5) Privileges of recognized organizations.

(a) Recognized organizations have the right to sponsor on-campus activities.

(b) Recognized student organizations may use University facilities and services through appropriate scheduling offices.

(c) The Activities ~~((center))~~/Recreation Office staff is available to serve approved organizations in all areas of concern.

(d) Free banking service is provided to approved organizations.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-28-020 ADVISORS TO RECOGNIZED STUDENT ORGANIZATIONS. (1) Advisors are members of the Washington State University faculty or staff ~~((or their designees))~~ whose interest in the group indicates that they would judiciously advise the organization concerning its goals, purposes and procedures. Advisors guide the group in accordance with the purposes and ideals of the University and the organization. They do not directly control the group's programs and activities.

(2) Advisors assist the Student Activities Board to implement the policies for student organizations as set forth in the Student Activities Board Policies (~~and Regulation Booklet~~).

(3) Responsibilities may include the following:

- (a) Attending the organization's meetings.
- (b) Assisting in planning the program.
- (c) Supervising the handling of funds and approving all expenditures and contracts.
- (d) Assisting in arranging for University facilities and equipment.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-28-030 SCHEDULING OF EVENTS. (1) Events. The Activities (~~center~~)/Recreation Office assists with the scheduling of events and programs by maintaining the master calendar and by publishing the fall and spring activities calendar.

(a) Master calendar - the master calendar is a continually updated calendar of campus events. Its use by all students, campus groups, faculty and staff can prevent program duplication and scheduling conflicts.

(~~Scheduling of facilities~~)

(~~(++)~~) (2) Facilities. Recognized student groups schedule facilities by contacting the appropriate campus departments (~~and/or buildings~~). The Activities (~~center~~)/Recreation Office will assist groups in determining whom to contact.

(a) To schedule rooms in the Wilson Compton Union, (~~clear with~~) contact the first floor administrative offices.

(b) For scheduling of departmental, faculty and student events for conferences and conventions involving people from off-campus, (~~clear with~~) contact the Office of University Relations (~~French Administration Building, Room 448~~)).

(c) To schedule classrooms on campus, contact the Registrar's Office (French Administration Building (~~Room 346F, 335-9506~~)).

(d) To schedule use of the Coliseum, contact Performing Arts Coliseum, Coliseum Director's Office (~~South Concourse, 335-3525~~).

(e) (~~To schedule the men's gym, contact New Gym 104, 335-4593. To schedule the women's gym, contact Smith Gym 101, 335-4251. Scheduling of these gyms after 5:00 p.m. and on weekends is handled by campus recreation, CUB B-19.~~) To schedule gym facilities for use from 8:00 a.m. to 5:00 p.m. Monday through Friday, contact Physical Education Department. Scheduling of gym facilities for use after 5:00 p.m. and on weekends is handled through the Activities/Recreation Office in CUB 337.

(f) (~~To schedule Kimbrough Hall and Bryan Auditorium, contact the Music Department, Kimbrough 101, 335-8524.~~) To schedule Bryan Auditorium, contact the Registrar's Office.

(g) To schedule R.R. Jones Theatre and Daggy Little Theatre, contact Daggy Hall, Room 251.

(h) For use of special services, contact Physical Plant (~~335-4565~~). For use of (~~lectures~~) lecterns, lighting, P.A. set-ups and janitorial services, fill out the form "Request for Services for Special Events," available at Physical Plant and Activities (~~center~~)/Recreation Office. This form must be authorized at the Activities (~~center~~)/Recreation Office before turning it into Physical Plant.

(~~(2)~~) (3) Individuals and nonuniversity groups must first contact the Facilities Use Committee to schedule University buildings and rooms. (~~The Executive Secretary of the facilities use committee is the Director of University Relations, French 448, 335-4527.~~)

(~~(3)~~) (4) Time scheduling recommendations. Most buildings and facilities on campus close by (~~2 a.m.~~) midnight. Groups (~~within~~) wishing their events to extend past this time should make arrangements with the appropriate scheduling office.

(~~(4)~~) (5) Special scheduling information.

(a) The Activities (~~center~~)/Recreation Office should be notified of speakers so that information will be included on the master calendar. The (~~center's~~) Office staff is also available to advise (~~and assist with~~) on appropriate forms, arrangements, publicity, etc.

(b) Any recognized student organization may sponsor political speakers on campus. All such groups should follow the normal procedure in scheduling.

(c) ASWSU may run concerts on a speculative basis. All other recognized student organizations may have concerts only if they have sufficient funds to back all concert expenses 100%. The Activities (~~center~~)/Recreation Office staff is available to (~~assist in~~) advise on concert arrangements and contract negotiations.

(d) Committee meetings and social activities should be scheduled in facilities which are accessible to handicapped individuals.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-28-050 FINANCIAL PROJECTS. (1) Definition.

(a) A financial project is any approved activity of a student organization which is undertaken to raise funds and/or to defray expense. Projects may be for the benefit of organizations themselves or for charity groups.

(2) Approval.

(a) The Student Activities Board and/or its designated representative has been given the responsibility of approving all financial projects so that the following services can be provided:

(~~(+)~~) (i) Planning advice.

(~~(2)~~) (ii) Advertising and publicity assistance.

(~~(3)~~) (iii) Facility and equipment arrangements.

(~~(4)~~) (iv) Consumer protection.

(b) The financial projects requested and the proposed budget must be completed, approved, and filed with the Activities (~~center~~)/Recreation Office in advance of the proposed date. Forms are available in the Activities (~~center~~)/Recreation Office. A report showing actual income and expenses of the financial project must be submitted to the Activities (~~center~~)/Recreation Office within two weeks after the event. The report must be certified by the personal signature of the President and Advisor of the organization.

(c) For approval, the organization must have funds on hand to cover (~~at least one third~~) 100% of the estimated expenses of a proposed financial project (~~except in the case of concerts where the organization must have one hundred percent of the necessary funds to cover all expenses~~).

(d) Projects involving films are subject to additional Student Activities Board policies. Copies of the policies are available in the Activities (~~center~~)/Recreation Office.

(e) Scholarship fund projects must be administered in accordance with University policy governing such funds. Sponsoring organizations may reserve the right to select recipients and to establish the amount of grants in accordance with policies of the Student Financial Aids Office.

(f) (~~Projects involving tables in the west entrance of the CUB and on the mall must also be scheduled in the CUB scheduling office. There shall be only one table per organization, available on a first come, first serve basis.~~) Projects involving tables in the west entrance of the CUB and on the mall must be approved. The forms for these may be picked up in the Activities/Recreation Office. After approval the table requests are taken to the CUB Administrative Office to reserve a table. There shall be only one table per organization, available on a first-come, first-served basis.

(g) Raffles are subject to state law. Contact the Activities (~~center~~)/Recreation Office for current regulations.

(h) (~~The following actions are not acceptable:~~)

(~~1)~~) Retailing of student classroom books, supplies, and equipment by University departments, personnel, or students on the campus is prohibited.

(3) Additional requirements.

(a) All advertising and publicity for each project must include:

(~~(+)~~) (i) The name of the sponsoring organization.

(~~(2)~~) (ii) The project or service being sold. (~~and~~)

(~~(3)~~) (iii) The purpose for which profits will be used.

(b) Any distributing, soliciting or selling must be done without individuals hawking or shouting.

(c) Individual students wishing to sell goods on campus must contact the Director of Safety, Safety Building.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-28-060 ADVERTISING POLICIES. The following policies apply to all advertising done on campus.

(1) Signs and posters.

(a) All advertising in the CUB must have ~~((permission))~~ approval from the ~~Activities ((center))/Recreation Office. ((Sports Federation groups may obtain permission from campus recreation:))~~

(b) All advertising announcements to be posted in other campus buildings should be confined to general bulletin boards. For use of other bulletin boards contact the appropriate department or residence hall for approval.

(c) No advertising should be taped to walls or other interior surfaces.

(d) All outdoor advertising is restricted to bulletin boards, the kiosks, and ~~((the wall areas of the bookie and))~~ the west entrance of the CUB. ~~((All signs should include the date when they are to be removed:))~~ Signs put up at the west entrance of the CUB should be ~~((stamped))~~ approved in the ~~Activities ((center))/Recreation Office. The size is limited to 12 square feet.~~

(e) Banners may be displayed on the overhead walkways after securing permission from the ~~Activities ((center))/Recreation Office. They must be constructed of fabric, with air vents, and attached to the structure with rope or twine—tape and wire are not permitted.~~

(f) Free-standing signs may be placed on campus grounds and the Mall with the approval of the ~~Director of Physical Plant.~~

(g) No signs, handbills, or stickers are to be placed on trees or buildings other than the two places mentioned above. Paint or chalk must not be used on sidewalks or buildings.

(h) Before exhibits or displays are placed on the Mall, notification must be made to the ~~((office of the physically impaired)) Disabled Student Services Office.~~

(i) It is the responsibility of the group to remove advertising within 24 hours after the event.

(2) Literature, handbills and notices.

(a) Literature, handbills and notices may be distributed at any reasonable outdoor area on campus consistent with the orderly conduct of University affairs, the maintenance of University property, and the free flow of traffic and persons. Efforts must be made to avoid litter. Individuals or groups distributing are responsible for leaving the area clean, including all discarded handbills. Distribution by means of accosting individuals or by hawking is prohibited.

(3) Public address system.

(a) Requests for public address systems require the signature of the faculty advisor.

(b) Systems are available through the ~~((audio-visual department)) Instructional Media Services.~~

(c) Use of systems:

~~((+))~~ (i) Time of Use: Monday-Thursday, 5 p.m.-7 p.m.; and on Saturday 12 Noon-7 p.m. (Exceptions may be made by the ~~Student Activities Board.~~)

~~((+))~~ (ii) Discreet and considerate use of public address systems in the vicinity of the hospital is expected.

~~((+))~~ (iii) Public address systems on moving vehicles must have a police permit.

(4) Athletic events.

(a) All advertising at athletic events must be cleared through the ~~Office of Intercollegiate Athletics.~~

(5) Advertising for student government.

(a) Advertising for student government elections shall be according to the rules established by the ~~ASWSU Election Board.~~

(6) Advertising at registration must be approved by the Registrar.

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.

WAC 504-32 RULES FOR USE OF MALL

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-32-010 RULES FOR USE OF THE MALL. (1) Recognized student organizations may schedule the Mall for activities that do not interfere with University functions or activities, disturb offices, classes, or study facilities, harm property, or block entrances into buildings.

(2) The Mall is scheduled through the ~~Student Activities Board~~ or its designee. Contact the ~~Activities ((center))/Recreation Office.~~

(3) The Mall may be used with amplified sound from 5 p.m.-7 p.m. Monday through Thursday and from noon to 7 p.m. on Saturday. Other times may be arranged through the ~~Student Activities Board.~~

(4) Sound amplification equipment (hand-held loudspeaker) may be checked out from the ~~Campus Police Department, Safety Building,~~

upon presentation of valid ID cards, which will be held by the ~~Security Division~~ until the equipment is returned. Other sound equipment is available through the ~~((audio-visual department)) Instructional Media Service.~~

(5) The Mall may be used by student organization fund raisers in accordance with previously stated rules and regulations. Any private or commercial use of the Mall is prohibited.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-32-060 OUTDOOR DANCES, CONCERTS, CAR-NIVALS AND FAIRS. (1) Campus street dances and outdoor concerts may be sponsored by recognized student organizations. Requests for approval should be submitted to the ~~((student activities board or its designee)) Office of Student Activities/Recreation. Decisions on requests will be made after consultation with appropriate University departments.~~

(2) All other organizations and individuals who wish to sponsor any of the above events must submit a written request to the ~~Facility Use Committee.~~

(3) The sponsoring organization is responsible for repairing or reimbursing for any damage that might occur and for cleaning up litter.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 504-32-020 RECOGNIZED ORGANIZATIONS WHO SCHEDULE.

WAC 504-34 WASHINGTON STATE UNIVERSITY FACILITY USE REGULATIONS

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-34-010 PURPOSE AND DELEGATION. (1) The purpose of the WSU regulations governing use of facilities is to establish guidelines for the use of University facilities under the authority of RCW 28B.30.095 and to delegate authority to administer the regulations adopted within the standards prescribed.

(2) The Board of Regents delegates to the President or his/her designee, authority to establish procedures for proper review of the use of University facilities; to establish, within the framework of these regulations procedures governing such use; and to review rental schedules where appropriate.

(3) Under authority granted above, the President has appointed a Facility Use Committee. Inquiries concerning the use of University facilities may be directed to the ~~((Committee Secretary)) Director of General Services, Room ((448)) 221 French Administration Building((,-telephone 5-4527)).~~

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-34-030 LIMITATIONS. (1) University facilities may not be used in ways which substantially obstruct or disrupt educational activities or freedom of movement or other lawful activities on the University campus. ~~((WAC 504-20-010:))~~

(2) University facilities may not be used by groups, including informal groups, which discriminate in their membership or limit participation in activities on the basis of race, color, or national origin.

(3) The Constitution of the State of Washington specifically prohibits free use of state facilities for religious worship, exercise, or instruction. University facilities may be rented at commercial rates for short-term durations by religious organizations pursuant to these regulations.

(4) University facilities may be used for the purpose of political campaigning by or for candidates who have filed for public office, when sponsored by faculty, staff, or student organizations.

(5) Handbills, leaflets, and similar materials which conform to these limitations may be distributed on campus by students, staff, or faculty. Persons not connected with the University are not authorized to distribute handbills or other materials without prior approval of the ~~Facility Use Committee.~~

(6) During registration periods signs and posters must not be posted within or near the registration areas or the entrances and exits thereto except those approved by the Registrar. Public address systems may not be used within hearing distance of the registration areas. Solicitation and distribution of literature, hand-bills, or notices within or near the registration areas is prohibited.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-34-040 **USERS.** (1) University facilities may be used by faculty or staff groups or registered student organizations for cultural, educational or recreational activities provided for members of the University community and their families.

(2) Educational institutions, state or federal agencies, charitable, or civic organizations may be granted use of facilities for short courses, conferences, seminars, meetings, programs, and presentations under these provisions when sponsored by the University or its departments. Individuals and organizations desiring use of University facilities must have University-related sponsorship or submit written application to the Facility Use Committee.

(3) In addition to the provision of these regulations, use of facilities by student organizations shall be consistent with other provisions of the Student Handbook on Policies and Regulations. (Chapter 504-28 WAC.)

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-34-050 **PRIVATE OR COMMERCIAL ENTERPRISE.** (1) University facilities may be used for private or commercial gain or by charitable organizations only by special permission granted by the President of the University or his/her designee and when an agreement, lease, or other formal arrangement is entered into between the University and the person, corporation, or other entity desiring to engage in commercial activity.

(2) Vending machines may be placed at exterior locations approved by the Director of Physical Plant.

(3) Delivery service such as cleaning, laundry, newspaper, and food service is permitted.

(4) Soliciting and merchandising of any goods, food, services, articles, wares, or merchandise of any nature whatsoever, within the boundaries of Washington State University owned and controlled property is prohibited except by written permission of the President of the University or his/her designee. Vendor representatives authorized by the WSU Purchasing Department with appropriate identification are exempt from this provision.

(5) University facilities may not be used by faculty or staff in connection with compensated outside service without approval. Approval and fees for such use may be determined by the dean or other principal administrative officer in charge, with the approval of the President of the University or the Executive Vice President(~~Academic~~) and Provost.

AMENDATORY SECTION (Amending Order 75-1, filed 7/7/75)

WAC 504-34-070 **OUTDOOR DANCES AND CONCERTS.** Street dances and outdoor concerts may be sponsored at approved locations by student organizations recognized by ((ASWSU)) the Student ((activity)) Activities Board on days and at times approved by the Student ((activity)) Activities Board following consultation with appropriate University departments. All other organizations and individuals who seek to sponsor outdoor dances and concerts on University property must submit a written request to the Facility Use Committee. The sponsoring organization is responsible for damage to grounds and for cleaning up litter.

AMENDATORY SECTION (Amending Order 75-1, filed 7/7/75)

WAC 504-34-080 **PARADES.** Permits for parades on University streets and roads may be obtained upon approval of the Director of

Safety. Parades must be scheduled so as not to interfere with rush-hour traffic and with special consideration for areas such as the hospital.

AMENDATORY SECTION (Amending Order 75-1, filed 7/7/75)

WAC 504-34-090 **CARNIVALS AND FAIRS.** Carnivals and fairs may be sponsored by recognized student organizations in or on University facilities with the approval of the Student Activities Board following consultation with appropriate University departments. All other organizations and individuals who seek to sponsor carnivals or fairs on University property must submit a written request to the Facility Use Committee. The sponsoring organization is responsible for damage to grounds and for cleaning up litter.

AMENDATORY SECTION (Amending Order 74-2, filed 7/26/74)

WAC 504-34-100 **OTHER REQUESTS.** All other requests for use of University facilities not covered herein must be referred to the Facility Use Committee for consideration.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 74-2, filed 7/26/74)

WAC 504-34-110 **BUILDING HOURS.** Buildings are open according to a schedule developed by the primary occupants of the building, the Director of Physical Plant, and the Director of Safety. The schedule will be reaffirmed annually during September. The President of the University or his/her designee, the Director of the Physical Plant, is the University official authorized to develop and maintain the schedule and to authorize variances to the published schedule.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-34-120 **ADMINISTRATIVE CONTROL.** Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of violation, and if they persist in the violation, they will be requested to leave the University property. Failure to comply with such a request will subject such individuals to arrest under provisions of RCW 9A.52.070 and 080 (Criminal Trespass) or other applicable laws.

Members of the University community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate University office or agency for action in accordance with established University policies.

WSR 87-08-003

NOTICE OF PUBLIC MEETINGS FOREST PRACTICES BOARD [Memorandum—March 20, 1987]

There will be a special Forest Practices Board meeting held on March 26, 1987, 1:30 p.m. to be held in the Office of the Commissioner of Public Lands, 2nd Floor of the John Cherberg Building, Olympia, Washington.

Additional information may be obtained from the Division of Forest Regulation and Conservation, 120 East Union Avenue, Room 109, Mailstop EK-12, Olympia, Washington 98504, (206) 753-5315.

WSR 87-08-004

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 87-09—Filed March 20, 1987]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical aid rules and maximum fee schedule.

- Amd WAC 296-20-035 Dealing with attending doctor's estimate of an injured worker's physical capacities.
- Amd WAC 296-23-725 and 296-23-980 Dealing with new coding and reimbursement levels for physical capacities evaluations.
- Amd WAC 296-18A-450 and 296-18A-480 Dealing with modification of vocational rehabilitation rules concerning assessment of an injured worker's physical capacities.

This action is taken pursuant to Notice No. WSR 87-02-057 filed with the code reviser on January 7, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020(4) and 51.04.030 [51.04.030] and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 20, 1987.

By Joseph A. Dear
Deputy Director
for Richard A. Davis
Director

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-20-035 TREATMENT IN CASES THAT REMAIN OPEN BEYOND SIXTY DAYS. Conditions requiring treatment beyond sixty days are indicative of a major industrial condition or complication by other conditions. Except in cases of severe and extensive injuries, i.e., quadriplegia, paraplegia, multiple fractures, etc., when the injured worker requires treatment beyond sixty days following injury, a complete examination is necessary to determine and/or establish need for continued treatment and/or payment of time loss compensation. This may be accomplished either by the attending doctor or a consultation exam. In either case, a detailed exam report must be provided to the department or self-insurer. The following information is required. Additional information may be included or requested.

(1) Attending doctor report.

(a) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(b) Their relationship, if any, to the industrial injury or exposure.

(c) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(d) If the worker has not returned to work, the attending doctor should indicate whether he feels vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(e) If the claimant has not returned to work, a doctor's estimate of physical capacities ((evaluation)) should be included with the report. ((The)) If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations ((may)) should be ((completed)) conducted by ((an)) a licensed occupational therapist or a ((registered)) licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

(2) Consultation exam.

(a) A DETAILED HISTORY TO ESTABLISH:

(i) The type and severity of the industrial injury or occupational disease.

(ii) The patient's previous physical and mental health.

(iii) Any social and emotional factors which may effect recovery.

(b) A COMPARISON HISTORY between history provided by attending doctor and injured worker, must be provided with exam.

(c) A DETAILED PHYSICAL EXAMINATION concerning all systems affected by the industrial accident.

(d) A GENERAL PHYSICAL EXAMINATION sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(e) A COMPLETE DIAGNOSIS OF ALL PATHOLOGICAL CONDITIONS INCLUDING ICD-9-CM CODES FOUND TO BE LISTED:

(i) Due solely to injury.

(ii) Preexisting condition aggravated by the injury and the extent of aggravation.

(iii) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(iv) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(f) CONCLUSIONS MUST INCLUDE:

(i) Type treatment recommended for each pathological condition and the probable duration of treatment.

(ii) Expected degree of recovery from the industrial condition.

(iii) Probability, if any, of permanent disability resulting from the industrial condition.

(iv) Probability of returning to work.

(g) REPORTS OF NECESSARY, REASONABLE X-RAY AND LABORATORY STUDIES TO establish or confirm the diagnosis when indicated.

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-23-725 TESTS AND MEASUREMENTS.

	Unit Value
P97700 Office visit, including one of the following tests or measurements with report, initial 30 minutes.	24.0
(a) Orthotic "check-out"	
(b) Prosthetic "check-out"	
(c) Activities of daily living "check-out"	
(d) Biofeedback evaluation	
((e) Physical capacities evaluation)	
P97701 Each additional 15 minutes	12.0
P97720 Extremity testing for strength, dexterity or stamina, initial 30 minutes	24.0
P97721 Each additional 15 minutes	12.0
(P97740, P97741 have been deleted. To report, see P97530, P97531)	
P97730 <u>Performance-based physical capacities evaluation with report. Flat fee</u>	<u>\$375</u>
P97752 Muscle testing, torque curves during isometric and isokinetic exercise (e.g., by use of Cybex machine)	24.0
P99070 Supplies and materials provided by the therapist over and above those usually included with office visit or other services rendered. List item provided. Bill at cost	BR

AMENDATORY SECTION (Amending Order 86-36, filed 10/1/86, effective 11/1/86)

WAC 296-23-980 OCCUPATIONAL THERAPY SERVICES.

	Unit Value
97010 Physical medicine treatment to one area, hot or cold packs	12.0
97016 vasopneumatic devices	12.0
97018 paraffin bath	12.0
97110 therapeutic exercises	16.0
97112 neuromuscular reeducation	16.0
97114 functional activities	16.0
97145 Physical medicine treatment to one area, each additional 15 minutes	5.0
97200 Combination of any modality(s) and procedure(s), initial 30 minutes	16.0
97201 Each additional 15 minutes	5.0
97500 Orthotics training (dynamic bracing, splinting, etc.) upper extremities, initial 30 minutes	24.0

	Unit Value
97501 each additional 15 minutes	12.0
97520 Prosthetic training, initial 30 minutes	24.0
97521 each additional 15 minutes	12.0
97530 Kinetic activities to increase coordination, strength and/or range of motion, one area (any two extremities or trunk), initial 30 minutes	24.0
97531 each additional 15 minutes	12.0
97540 Activities of daily living (ADL) and diversional activities, initial 30 minutes	24.0
97541 each additional 15 minutes	12.0
97700 One of the following tests or measurements with report, initial 30 minutes	24.0
(a) Orthotic "check-out"	
(b) Prosthetic "check-out"	
(c) Activities of daily living "check-out"	
(d) Biofeedback evaluation	
((e) Physical capacities evaluation)	
97701 each additional 15 minutes	12.0
97720 Extremity testing for strength, dexterity or stamina, initial 30 minutes	24.0
97721 each additional 15 minutes	12.0
97730 <u>Performance-based physical capacities evaluation with report. Flat fee</u>	<u>\$375</u>
97799 Unlisted physical medicine service or procedure	BR
99030 Mileage, one way, each mile beyond 7 mile radius of point of origin (office or home), per mile	2.0
99070 Supplies and materials provided by the therapist over and above those usually included with office visit or other services rendered. List item provided. Bill at cost.	BR

AMENDATORY SECTION (Amending Order 85-20, filed 8/13/85)

WAC 296-18A-450 VOCATIONAL REHABILITATION PLAN. (1) A vocational rehabilitation plan shall be approved by the referral source prior to its implementation. The plan shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

- (a) Assessment of the skills and abilities, (~~including~~) based on the physical capacities and mental (~~capabilities~~) status, aptitudes, and transferrable skills of the injured worker;
- (b) The services necessary to enable the injured worker to become employable at gainful employment;
- (c) Labor market information indicating the employability of the injured worker at plan completion;
- (d) An estimate of the cost and the time necessary for the completion of the plan;
- (e) A direct comparison of the injured worker's skills with potential types of employment to demonstrate a likelihood of success;

(f) If necessary, a job analysis of the injured worker's previous occupation, including earnings, may be included; and

(g) Any other information that will significantly affect the plan.

(2) The following priorities shall be addressed and justification given to why each preceding priority was not used.

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of the previous job with a new employer;

(e) A new job with a new employer or self-employment based upon transferable skills;

(f) A new job with a new employer or self-employment involving on-the-job training; and

(g) Short-term retraining and job placement.

(3) Each plan shall be signed by the vocational rehabilitation counselor and the injured worker. In state fund cases, a copy will be sent to the employer, attending physician, department, injured worker and any parties with responsibilities within the plan by the vocational rehabilitation counselor. The following statement shall be printed above the signatures:

I have read the above plan and understand its contents. By signing this plan I agree to faithfully execute my responsibilities described in it.

(4) If the plan is interrupted for good cause this case will be returned to the referral source at the discretion of the referral source. At the end of such interruption, the referral source may return the referral to the original vocational provider to resume the plan or its preparation.

AMENDATORY SECTION (Amending Order 85-20, filed 8/13/85)

WAC 296-18A-480 RESPONSIBILITIES. All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the injured worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including ~~((a definitive appraisal))~~ making an estimate of physical capacities or restrictions. The attending physician may review the vocational plan, and if the attending physician feels that the injured worker is not physically capable of carrying out the plan, or the plan is unnecessary, based on current ~~((physical capacities))~~ medical findings, shall notify the referral source immediately of this opinion with the reasons for such opinion.

(2) The claims unit within the department shall:

(a) Notify the employer of the referral to a vocational rehabilitation provider;

(b) Send the employer a copy of the closing report; and

(c) Give written notice to an injured worker if a complaint of noncooperation has been made.

(3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Further, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32-.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095. Vocational rehabilitation providers actually assisting the injured worker shall have the burden of showing that they meet the qualifications to be a vocational rehabilitation counselor as set out in these rules. The vocational rehabilitation provider shall comply with all the rules in chapter 296-18A WAC and Title 51 RCW, whether the injured worker is referred by the department or a self-insurer under the following criteria:

(a) Develop a formal program to assist the eligible injured worker to become employable at gainful employment;

(b) Maintain accurate records that will be periodically reviewed by the office of rehabilitation services;

(c) Notify the referral source of noncooperative behavior on the part of the injured worker; and

(d) Keep all parties informed of the progress and development of the formal program.

WSR 87-08-005

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed March 23, 1987]

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 bag limit codes, WAC 220-56-180.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 11, 1987.

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.

This notice is connected to and continues the matter in Notice No. WSR 87-03-056 filed with the code reviser's office on January 21, 1987.

Dated: March 6, 1987
By: Judith Merchant
for Joseph R. Blum
Director

WSR 87-08-006
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 87-19—Filed March 23, 1987]

I, Joseph R. Blum, 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 87-03-056 filed with the code reviser on January 21, 1987. 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 11, 1987.

By Judith Merchant
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: 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 these six salmon may be any combination of the following:

- Chinook over 24 inches in length
- Coho over 20 inches in length
- Pink, chum or sockeye over 10 inches in length.

(2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code 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; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the bag limit in any one day is two salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 15 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code H: In waters having this code designation, the bag limit in any one day is three salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 15 through June 15 in Punch Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag limit may be chinook, except:

(i) During the period March ((†)) 27 through April 25 it is unlawful to retain or possess chinook salmon taken for personal use while fishing in Punch Card Areas 9, 10, 11, or 13.

(ii) The daily bag limit in Punch Card Area 12 is three salmon of any species.

(6) Code I: In waters having this code designation, the bag limit, size restrictions, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington game commission. Salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(7) The possession limit in all waters regulated under Bag Limits A, C, D, F, H, and special bag limits shall not exceed the equivalent of two daily bag limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. The possession limit in waters regulated under Bag Limit I is the same as the possession limit for gamefish as regulated under Title 77 RCW by the Washington game commission.

WSR 87-08-007
ADOPTED RULES
PARKS AND RECREATION COMMISSION
[Order 99—Filed March 23, 1987—Eff. September 8, 1987]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Ocean Shores, Washington, that it does adopt the annexed rules relating to use of metal detectors in state parks, WAC 352-235.

This action is taken pursuant to Notice No. WSR 87-04-073 filed with the code reviser on February 4, 1987. These rules shall take effect at a later date, such date being September 8, 1987.

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 20, 1987.

By Edward T. Luders
Chairman

NEW SECTION

WAC 352-32-235 USE OF METAL DETECTORS IN STATE PARKS. The use and operation of metal detectors, as well as the removal of found materials, is permitted within selected state parks as designated by the director, subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of the developed day use areas of these state parks as posted for public reference.

(2) Recovery and removal of any items found on state parks property, whether through the use of a metal detector or otherwise, are subject to the provisions of the Lost and found property statute (chapter 63.21 RCW.)

(3) The use of metal detectors within a state park shall be limited to hours of operation from the day after Labor Day through May 15 of each year. No use shall be allowed during periods of seasonal or emergency park closure.

(4) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by signing a register provided for such purpose.

(5) Metal detector use shall not interfere with other recreational activities.

(6) No item which appears to be of historical or archaeological significance, remaining from either early pioneer activity or from a native American presence, may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall not be disturbed further.

(7) Digging implements shall be limited to ice picks and screwdrivers. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(8) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

WSR 87-08-008

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Order 100—Filed March 23, 1987—Eff. May 15, 1987]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Ocean Shores, Washington, that it does adopt the annexed rules relating to moorage fees, WAC 352-12-020; definitions,

WAC 352-32-010; camping, WAC 352-32-030; camp-site reservation, WAC 352-32-035; and standard fees charged, WAC 352-32-250.

This action is taken pursuant to Notice No. WSR 87-04-074 filed with the code reviser on February 4, 1987. These rules shall take effect at a later date, such date being May 15, 1987.

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 20, 1987.

By Edward T. Luders
Chairman

AMENDATORY SECTION (Amending Order 88, filed 3/22/85, effective 5/15/85)

WAC 352-12-020 MOORAGE FEES. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through Labor Day, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, \$5.50 per night;

(b) Vessels under twenty-six feet in length, \$3.50 per night: PROVIDED, HOWEVER, This fee shall be applicable all year at Blake Island, Cornet Bay, Jarrell Cove, and Mystery Bay State Parks: PROVIDED FURTHER, Vessels properly displaying a valid seasonal permit shall not be charged a nightly moorage fee: PROVIDED FURTHER, There shall be no moorage fee for dinghies, vessels moored to state park buoys, vessels moored to floats not attached to piers, or any vessel riding on its own anchor: PROVIDED FURTHER, There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission.

(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

(7) "Utility campsite" shall mean a standard campsite with the addition of one or all of the following utility hookups: Domestic water, sewer and electricity.

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

(10) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

~~((10))~~ (11) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

~~((11))~~ (12) "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

~~((12))~~ (13) "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

~~((13))~~ (14) "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

~~((14))~~ (15) "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

~~((15))~~ (16) "Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(a) Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030 ~~((6))~~(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(b) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

~~((16))~~ (17) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

~~((17))~~ (18) "Upland" shall mean all lands lying above mean high water.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-030 CAMPING. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010 ~~((15))~~(16)).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who

have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping unit for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping unit must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee (WAC 352-32-250(6).) Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

((7)) (8) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: PROVIDED, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the designated or developed tent pad as determined by a ranger.

((8)) (9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles shall occupy a campsite.

((9)) (10) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "Group use permit and regulation form."

((10)) (11) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

AMENDATORY SECTION (Amending Order 97, filed 11/24/86)

WAC 352-32-035 CAMPSITE RESERVATION.
(1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Reservation requests can only be made for camping dates within the current calendar year.

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior to January 1 will be returned. Accepted reservation requests will be processed in order of arrival, beginning the second Monday in January and up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a \$4.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(7) Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.

(8) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(9) Reservations for a specific campsite within a park will not be guaranteed.

(10) ((Campers who arrive at the park without a reservation may use unreserved campsites for up to ten consecutive days, beginning the day of arrival)) Campsites which have not been reserved may be used on a first-come-first-served basis without paying a reservation fee, if the site is occupied immediately.

(11) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the

reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night's camping fee.

(12) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 9:00 p.m. After ~~((these hours))~~ this time, the site may be reassigned, unless late arrival arrangements are made with the park by telephone between the hours of 7:00 p.m. and 9:00 p.m. on the day of arrival.

AMENDATORY SECTION (Amending Order 88, filed 3/22/85, effective 5/15/85)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping – standard campsite: \$6.00 per night;

(2) Overnight camping – utility campsite: \$6.00 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping – primitive campsite: \$3.00 per night for nonmotorized vehicle and \$4.50 per night for motorized vehicle;

(4) Overnight camping – reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping – multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.

(6) Group camping area – certain parks: ~~((\$.35))~~ \$5.00 per person per night; nonrefundable reservation fee – \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

~~((6))~~ (7) Environmental learning center – overnight camping: ~~((\$.95))~~ \$3.15 per camper per night: **PROVIDED, HOWEVER,** The fee shall be ~~((\$.15))~~ \$3.40 per camper per night, effective September ~~((3, 1985))~~ 8, 1987;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: ~~((\$.35))~~ \$3.55 per camper per night: **PROVIDED, HOWEVER,** The fee shall be ~~((\$.55))~~ \$3.80 per camper per night, effective September ~~((3, 1985))~~ 8, 1987;

(b) Environmental learning center – day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group – whichever is higher;

~~((7))~~ (8) Hot showers: \$.25 for a minimum of six minutes shower time;

~~((8))~~ (9) Electric stoves: \$.25 for thirty minutes cooking time;

~~((9))~~ (10) Adirondacks – not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

~~((10))~~ (11) Extra vehicle charge: ~~((\$.00))~~ \$3.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: **PROVIDED,** An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

~~((11))~~ (12) Marine park moorage facilities – see WAC 352-12-020 and 352-12-030.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

WSR 87-08-009
NOTICE OF PUBLIC MEETINGS
OIL AND GAS
CONSERVATION COMMITTEE
[Memorandum—March 23, 1987]

EFSEC Conference Room
Rowesix, Building 1
4224 6th Avenue S.E.
Lacey, Washington 98503
April 30, 1987
9:00 a.m. to 4:00 p.m.

WSR 87-08-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-18—Filed March 24, 1987]

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

I, Joseph R. Blum, 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 whiting 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 20, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-48-01500Z PACIFIC WHITING Notwithstanding the provisions of WAC 220-48-015, effective immediately until further notice it is unlawful to fish for or possess Pacific whiting taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24B, 24C, or 26A except as provided for in this section:

Areas 24B and 26A - Open 10:00 a.m. to 1:00 p.m. March 24, 1987.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-48-01500Y PACIFIC WHITING (87-13)

WSR 87-08-011

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed March 24, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Western Washington University intends to adopt, amend, or repeal rules concerning chapter 516-12 WAC, amendments concern increased parking fines as a deterrent to illegal parking and allowing a vehicle to be impounded upon display of a forged permit;

that the institution will at 4 p.m., Tuesday, May 5, 1987, in Lecture Hall 2, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 7, 1987.

The authority under which these rules are proposed is RCW 28B.35.120(1) and 28B.10.560.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 5, 1987.

By Donald H. Cole
Vice President for Business Affairs

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 516-12 WAC, Western Washington University parking and traffic regulations.

Statutory Authority: RCW 28B.10.560.

Specific Statute that Rule is Intended to Implement: RCW 28B.10.560.

Summary of the Rules: Amendments concern increased parking fines as a deterrent to illegal parking and allowing a vehicle to be impounded upon display of a forged permit. A change in the definition of an habitual offender is required due to changes in type of permit and computer program updates.

Reasons Supporting the Proposed Rule: Illegal parking has increased over the past years primarily due to the small fine resulting from a citation. An increase in fines will prevent illegal parking in the majority of cases.

Agency Personnel Responsible for Implementation: Peter Harris, Director, Physical Plant, Western Washington University, Bellingham, Washington, (206) 676-3498; Drafting and Enforcement: Dorothy Telles, Manager, Administrative Services, Physical Plant, Western Washington University, Bellingham, Washington, (206) 676-3412.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Western Washington University.

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

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

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

AMENDATORY SECTION (Amending Resolution No. 85-05, filed 7/2/85)

WAC 516-12-400 DEFINITIONS. As used in these chapters, 516-12, 516-13, and 516-14 WAC[,] the following words and phrases mean:

- (1) "Area designator": A tag affixed to a permit indicating a parking lot assignment for a vehicle.
- (2) "Automobile": Any motorized vehicle having four or more wheels.
- (3) "Board": The board of trustees of Western Washington University.
- (4) "Campus": All state lands devoted to the educational or research activities of the university.
- (5) "Employee": Any individual appointed to the faculty, staff, or administration of the university.
- (6) "Habitual offender": Any ((~~person who accrues~~)) vehicle license number or permit number accruing ten or more paid or unpaid parking citations.
- (7) "Motorcycle": Any two or three wheeled motorized vehicle.
- (8) "Motor vehicle" or "vehicle": Any automobile or motorcycle.
- (9) "Parking appeals board": The board which hears parking citation appeals.
- (10) "Parking manager": The person appointed parking manager of the university by the president or designee.
- (11) "Parking space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.
- (12) "Permit": Any special or temporary parking permit authorized by the parking manager.
- (13) "President": The president of Western Washington University.
- (14) "Public safety department": The university public safety department.
- (15) "Student": Any person enrolled in the university as a student.
- (16) "Transportation and parking department": The transportation and parking department of the university.
- (17) "Time-limited parking space": A space in which parking is allowed for a specific time period.
- (18) "University": Western Washington University.

(19) "Valid permit": An unexpired parking permit authorized by the parking manager, properly registered and displayed on the vehicle.

(20) "Wheelstop": A cement, metal, or wood barrier approximately eight inches high.

AMENDATORY SECTION (Amending Resolution No. 85-05, filed 7/2/85)

WAC 516-12-470 ENFORCEMENT. (1) General

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the registrar's office.

(d) Parking permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle without a parking permit or a permit number which has three or more unpaid citations, the parking services office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation. The person to whom a permit is issued is responsible for all citations issued to that permit number.

(g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.

(h) The fine and penalty for illegal possession of a lost or stolen permit will be a fine equal to the original value of the highest priced period plus \$5.00 and revocation of parking privileges for a period of one year.

(2) When regulations are in effect

(a) Except as stated in b and c of this section, the regulations in this chapter will be enforced throughout the calendar year from 7 a.m. to 5 p.m. but will not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, intersessions are not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the parking manager as required.

(3) Night parking

(a) The hours of night parking are 5 p.m. to 7 a.m.

(b) During the hours of night parking all lots except "C" (campus resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the parking manager.

(c) "C" parking lots are restricted to "C" decal holders at all times.

(4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:

(a) ~~(\$3.00)~~ \$5.00 violations

(i) ~~((No valid permit displayed))~~ Occupying more than one space

(ii) Parking at an expired meter

(iii) ~~((Parking out of assigned area))~~ Improper display of permit

(iv) Overtime parking

~~((v) Parking in a no parking zone~~

~~(vi) Occupying more than one space~~

~~(vii) Parking in a reserved or restricted area~~

~~(viii) Parking in a driveway or walkway~~

~~(ix) Improper display of permit and/or designator))~~

(b) ~~(\$5.00)~~ \$10.00 violations

(i) ~~((Blocking traffic))~~ No valid permit displayed

(ii) Parking in prohibited area (except handicapped spaces)

(iii) Parking on grass or landscaped area

~~(iv) Parking out of assigned area~~

~~(v) Parking in a no parking zone~~

~~(vi) Parking in a reserved area~~

~~(vii) Parking in a driveway or walkway~~

(c) ~~(\$10.00)~~ \$15.00 violation. ~~((Use of forged or stolen area designator))~~ Blocking traffic.

(d) \$25.00 violations

(i) ~~((Use of forged permit~~

~~((iii))~~ Parking in a designated handicapped space

~~((iii))~~ (ii) Parking within ten feet of a fire hydrant or in a fire lane

(e) \$100.00 violation. Display of lost, stolen or forged permit

(f) Citations will remain in effect for a period of five years.

(5) Continued violations. A vehicle which remains in violation of any regulations may receive additional citations for every four hours of the violation.

(6) Impoundment

(a) All violators are subject to having their vehicles impounded at their own risk and expense

(i) Upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours.

(ii) When the vehicle is parked in such a manner as to endanger the university community, or

(iii) The vehicle is parked so as to deprive a permit holder of his/her parking space[,] [, or]

(iv) When a vehicle is left under circumstances which indicate it has been abandoned, or

(v) When a vehicle displays a permit that has been forged or reported lost or stolen.

(b) The operator/owner of the vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the parking services office (or public safety office when parking services office is closed) before a vehicle release form is completed.

(i) The release form is issued to the vehicle operator/owner who must then present it in person at the towing company and pay all towing charges including any storage fees incurred.

(ii) A towing fee is charged if the driver of the tow truck has performed any labor prior to the operator/owner returning to the vehicle before the impound is completed.

(7) It is prohibited to park;

(a) Without a valid permit;

(b) Double parked;

(c) In reserved spaces without a proper permit;

(d) In no parking areas,

(e) In a handicapped space without a proper permit;

(f) In fire lanes, service roads, fire exits or within 10 feet of a fire hydrant;

(g) In loading zones unless actually loading (time is limited);

(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;

(i) On lawns, sidewalks, crosswalks, parking lot driveways; straddling painted lines or buttons, or angle parking where prohibited;

(j) Exceeding time in time-limited or metered spaces;

(k) In areas where permit is not valid;

(l) Over or adjacent to yellow lines or curbs;

(m) Against the flow of traffic;

(n) In areas or spaces closed by barricades or other control devices.

WSR 87-08-012

NOTICE OF PUBLIC MEETINGS

SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—March 23, 1987]

The regular meeting of the board of trustees of Seattle Community College District for April has been changed from Tuesday, April 21, to Tuesday, April 28, at 6:00 p.m., at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

WSR 87-08-013
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed March 24, 1987]

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 overtime compensation method, amending WAC 356-14-240;

that the agency will at 10:00 a.m., Thursday, May 14, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 1987.

Dated: March 20, 1987

By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amending WAC 356-14-240 Overtime compensation method.

Purpose: To explain how overtime is to be compensated.

Statutory Authority: RCW 41.06.150.

Summary: Intends to change subparagraph number which authorizes variation in choice for law enforcement positions.

Reasons: The paragraphs containing the authorization were renumbered. This change will reflect the renumbering.

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.

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-14-240 OVERTIME COMPENSATION METHOD.
 Overtime for state employees shall be compensated in accord((amcc)) with WAC 356-15-030.

(1) Scheduled, nonscheduled, and law enforcement employees shall be compensated in cash or compensatory time off, both at the rate of time-and-one-half. Cash payment shall be at the overtime rate, while compensatory time shall be credited as 1.5 hours of compensatory time for each hour of overtime worked. (See WAC 356-14-265 for computing cash value compensatory time.)

Compensatory time off may be used in lieu of cash only when an agency and the employee agree, except as provided for law enforcement positions in WAC 356-15-030 ((5)) (4)(a). When compensatory time off is utilized, it shall be liquidated in accord((amcc)) with WAC 356-14-260.

(2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered

time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.

(3) If assignment pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall be made for the assignment pay. When compensatory time is utilized by an employee whose presently scheduled, regular assignment entitles the employee to full-time assignment pay, then the payment for the compensatory time off shall include the assignment pay.

(4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.

WSR 87-08-014
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed March 24, 1987]

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 Background inquiries—Department of Social and Health Services, amending WAC 356-26-140;

that the agency will at 10:00 a.m., Thursday, May 14, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150, 43.20A.710 and 41.06.475.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 1987.

Dated: March 20, 1987

By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amending WAC 356-26-140 Background inquiries—Department of Social and Health Services.

Purpose: To allow the use, with restrictions, of the DSHS Central Abuse and Neglect Registry in the appointment process.

Statutory Authority: RCW 41.06.150.

Summary: This change explains specifically how the DSHS Central Abuse and Neglect Registry would be used in the appointment process for potential employees who have applied for positions which are directly responsible for supervision, care, or treatment of children or developmentally disabled persons.

Reasons: To implement provisions of RCW 43.02A.710 [43.20A.310] and 41.06.475.

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building #2, Mailstop OB-13, Olympia, WA 98504, phone 753-5184; Implementation: Department of Social and Health Services; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, governmental agency.

AMENDATORY SECTION (Amending Order 272 [271], filed 12/31/86 [2/24/87], effective 4/1/87 [3/26/87])

WAC 356-26-140 BACKGROUND INQUIRIES - DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Within the department of social and health services, a background inquiry shall be completed prior to an applicant's appointment to a position which is directly responsible for the supervision, care, or treatment of children or developmentally disabled persons, except as provided in subsection (4) of this section. For purposes of this section, applicants shall also include employees who are notified they are scheduled for reduction in force who wish to consider options to positions covered by this section. The inquiry shall include an examination of the applicant's conviction records, ~~(and)~~ pending criminal charges, and listing as a perpetrator on the DSHS Central Abuse and Neglect Registry. Inquiry findings shall be used solely for the purpose of determining the character, suitability, and competence of the applicant and may result in denial of employment only for positions covered by this section.

(2) The department of social and health services shall ensure that all applicants being considered for positions covered by this section are aware of the background inquiry requirement.

(3) Positions covered by this section are all positions which have either a direct or supervisory accountability for the supervision, care, or treatment of residents or clients who are either children or developmentally disabled. Positions assigned duties that provide access to residents or clients who are either children or developmentally disabled, but which are not directly accountable for their supervision, care, or treatment are not covered by this section.

(4) A background inquiry shall be completed on the applicant prior to any permanent or nonpermanent appointment into a position covered by this section, except as waived by the secretary of the department of social and health services or designee. The inquiry shall be conducted only with the applicant's written authorization. Failure to provide written authorization shall disqualify the applicant for both appointment and referral to positions covered by this section. Employees who at the time of consideration for appointment have current probationary, trial service or permanent status in positions covered by this section are exempt from the background inquiry requirement.

(5) A background inquiry shall be completed on applicants prior to an intermittent appointment to a position covered by this section. Individuals on intermittent appointments in positions covered by this section may not exceed twelve continuous months in such an appointment unless they are cleared following a subsequent background inquiry.

(6) Inquiry findings to be considered in determining the applicant's character, suitability and competence to perform in the position shall be limited to:

(a) Conviction of a felony directly related to the position sought if the date of conviction is less than ten years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(b) Conviction of a felony directly related to the position sought, if the date of conviction is more than ten years ago but the date of prison release is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(c) Pending felony charges directly related to the position. For purposes of applying subsection (6)(a) through (c) of this section, the following offenses shall be considered directly related to all positions covered by this section: All crimes involving physical harm or threat of physical harm to persons; all sex related offenses; all public indecency/prostitution offenses; and all offenses identified as being against children or developmentally disabled persons.

(d) Any combination of two or more felony convictions for drug related or malicious harassment offenses if the date of conviction is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(e) Conviction of or pending charges for a gross misdemeanor or misdemeanor involving either a minor or prostitution for which the date of conviction or jail release, whichever is more recent, is less than seven years ago.

(f) Listing as a perpetrator on the DSHS Central Abuse and Neglect Registry within the last six years.

(7) If the inquiry reveals information listed under subsection (6) of this section, no appointment decision shall be made prior to providing the applicant with an opportunity to present evidence to the appointing

authority that the inquiry findings should have no bearing on the applicant's character, suitability and competence to perform in the position. In reviewing the inquiry findings, the appointing authority shall take into consideration the recentness and seriousness of the crime, the number of previous offenses, the likelihood of rehabilitation, as well as the vulnerability of the clients to be cared for in determining the applicant's character, suitability, and competence to perform in the position. A decision not to appoint an applicant will not be made solely on the basis that the applicant's name is listed on the DSHS Central Abuse and Neglect Registry, but such a decision can be based on the evidence presented in the review with the appointing authority.

(8) An applicant who has been notified of inquiry findings may appeal, pursuant to WAC 356-34-090, the appointing authority's decision not to appoint him or her only after having requested and completed the review provided in subsection (7) of this section.

(9) Background inquiry information is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant. Misuse of background inquiry information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 87-08-015

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 215, Resolution No. 224—Filed March 24, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Beer labels—Certificate of label approval required—Labels and product samples to be submitted—Analysis fee—Proprietary labels prohibited, WAC 314-20-020.

This action is taken pursuant to Notice No. WSR 87-05-045 filed with the code reviser on February 18, 1987. 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 66.28.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 24, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 42, filed 11/6/75)

WAC 314-20-020 BEER LABELS—CERTIFICATE OF LABEL APPROVAL REQUIRED—LABELS AND PRODUCT SAMPLES TO BE SUBMITTED—ANALYSIS FEE—PROPRIETARY LABELS PROHIBITED. (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with ~~((section 44 of the Washington State Liquor Act as amended—))~~ RCW 66.28.120(~~{}))~~.

No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) A request for certificate of label approval must be submitted on forms prescribed by the board, together with the following:

(a) Two bottle labels or two photostatic copies of can flats of the brand and type of beer for which approval is requested, and a list of container sizes on which the label is to be used;

(b) Two product samples of approximately 12-ounce size, or one quart of the beer for chemical analysis;

(c) Payment of a fee of \$5.00 for each chemical analysis;

(d) One copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(3) Any change in label or product which requires re-issuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(4) If a change in product has been made, a sample of such beer must be submitted for analysis, as provided in subsection (2) of this regulation. No analysis fee is required if the application is for approval of a revised label only, where no change has been made in the content of a previously approved product.

(5) No label shall be used that is misleading ~~((or))~~.

(6) Except in the case of a brewery selling at retail under RCW 66.24.240(2), no label shall be used which indicates that the retailer is the brewer or producer thereof, and no label shall be used which contains the name of the seller or purveyor in any manner~~((, and))~~.

(7) No "proprietary" label shall be used nor shall any label be restricted substantially to one retail outlet or to retail outlets under common ownership or associated together in, by or through a buying organization or agency or in any manner which represents a common identity to the public. The term "proprietary" label shall include any label which in the opinion of the board is being restricted in distribution by a brewer, importer or wholesaler, and such restriction shall be found to exist when only token or nominal sales are made to retail licensees other than those to whom volume sales are obviously restricted, and when the label is not continuously offered and distributed to retail licensees generally in the same manner and to the same extent as unrestricted labels are offered and distributed.

~~((6))~~ (8) Every producer, importer, or wholesaler of beer shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to the analysis of that brand of beer approved originally by the board.

WSR 87-08-016

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 216, Resolution No. 225—Filed March 24, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to wine labels, WAC 314-24-090.

This action is taken pursuant to Notice No. WSR 87-05-044 filed with the code reviser on February 18, 1987. 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 66.28.110 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 24, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-090 WINE LABELS. (1) Every package or container of wine intended for sale within the state of Washington shall bear a label in compliance with ~~((section 45 of the Washington State Liquor Act ()))~~ RCW 66.28.110~~((3))~~. Such label shall show:

(a) The brand name of the wine.

(b) Class, type or other designation.

(c) The name and address of the bottler or packager, which shall be stated as follows "Bottled by" Where a bottler or packager has made not less than 75% of the wine in a particular package or container by crushing the grapes or other materials, fermenting the must and clarifying the resulting wine, there may be stated in lieu of the words "bottled by" the words "manufactured and bottled by" or "produced and bottled by." In addition to the name and address of the bottler or packager, but not in lieu thereof, there may be stated the name and address of the manufacturer or producer.

(d) The alcoholic content of the wine by volume, stated as provided in either (i) or (ii) below:

(i) "Alcohol % by volume."

(ii) "Alcohol % to % by volume."

(e) The net contents of the package or container: PROVIDED, That the net contents need not be stated on any label if the net contents are displayed by having the same blown or branded in the package or container as the brand label, in letters or figures in such manner as to be plainly legible under ordinary circumstances, and

such statement is not obscured in any manner in whole or in part.

(2) No label shall be used until after the same has been submitted to, and has received a written approval of, the board (see WAC 314-24-040).

(3) No label shall be used that is misleading ((σ)).

(4) Except in the case of a winery selling at retail under RCW 66.24.170(3), no label shall be used which indicates that the retailer is the producer or bottler or packager thereof, and no label shall be used which contains the name of the seller or purveyor in any manner(;

and)). (5) No "proprietary" label shall be used nor shall any label be restricted substantially to one retail outlet or to retail outlets under common ownership or associated together in, by or through a buying organization or agency or in any manner which represents a common identity to the public. The term "proprietary" label shall include any label which in the opinion of the board is being restricted in distribution by a wine wholesaler, and such restriction shall be found to exist when only token or minimal sales are made to retail licensees other than those to whom volume sales are obviously restricted, and when the label is not continuously offered and distributed to retail licensees generally in the same manner and to the same extent as unrestricted labels are offered and distributed.

WSR 87-08-017

PROPOSED RULES

COMMUNITY COLLEGE DISTRICT TWELVE

(South Puget Sound Community College)

[Filed March 24, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that South Puget Sound Community College, Community College District 12, intends to adopt rules concerning student rights and responsibilities, code procedures, and summary suspension rules;

that the institution will at 7:00 p.m., Thursday, May 14, 1987, in the Boardroom at South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, conduct a public hearing on the proposed rules.

The adoption of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 14, 1987.

Dated: March 24, 1987

By: Case Doelman
Chairman

STATEMENT OF PURPOSE

Title(s): Chapters 132L-10, 132L-21 and 132L-23 WAC.

Description of Purpose: Adoption of new rules.

Statutory Authority: RCW 28B.50.140.

Specific Statute Rule is Intended to Implement: Not applicable.

Summary of Rule: Code of student rights and responsibilities, code procedures, and summary suspension rules.

Reasons Supporting Proposed Action: Need to define student rights and responsibilities, code procedures, and summary suspension rules at each college within District 12.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mr. Greg Gurske, Dean of Students, (206) 754-7711 (ext. 231).

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Community College District 12, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No comments.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: N/A.

Chapter 132L-10 WAC
SOUTH PUGET SOUND
STUDENT RIGHTS AND RESPONSIBILITIES

WAC

- 132L-10-010 Preamble.
- 132L-10-020 Definitions.
- 132L-10-030 Jurisdiction.
- 132L-10-040 Authority to prohibit trespass.
- 132L-10-050 Right to demand identification.
- 132L-10-060 Freedom of expression.
- 132L-10-070 Freedom of association and organization.
- 132L-10-080 Student participation in college governance.
- 132L-10-090 Student records.
- 132L-10-100 Student publications.
- 132L-10-110 Distribution and posting of materials.
- 132L-10-120 Use of college facilities.
- 132L-10-130 Outside speakers.
- 132L-10-140 Student complaints.
- 132L-10-150 Violations.
- 132L-10-160 Emergency procedures.

NEW SECTION

WAC 132L-10-010 PREAMBLE. South Puget Sound Community College is dedicated to learning, the advancement of knowledge, and the development of ethically sensitive and responsible persons. To achieve these objectives, the students, faculty, and staff of South Puget Sound Community College are joined in voluntary association in an educational community.

The student is first of all a member of the community at large and as such is entitled to the rights and responsibilities of any citizen of comparable age and maturity. Students, as members of the college community are also subject to regulations developed to assure the orderly operation of the college.

As such, admission to the college carries with it the expectation that students will:

- (1) Conduct themselves as responsible members of the college community;
- (2) Comply with the college rules and regulations which insure the orderly operation of the college;
- (3) Maintain high standards of integrity and honesty; and
- (4) Respect the rights, privileges and property of other members of the college community. The student assumes responsibility for his/her own conduct.

It is the purpose of these rules to provide statements about the rights and responsibilities of students enrolled at South Puget Sound Community College as well as procedural processes for dealing with student discipline.

NEW SECTION

WAC 132L-10-020 DEFINITIONS. As used in this Code of Student Rights and Responsibilities the following words and phrases shall mean:

(1) "ASSPSCC senate" means the representative governing body for students at South Puget Sound Community College recognized by the board of trustees.

(2) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, or group of persons.

(3) "Board" means the board of trustees of Community College District 12, state of Washington.

(4) "President" means the duly appointed chief executive officer of South Puget Sound Community College, Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.

(5) "College" means South Puget Sound Community College located within Community College District 12, state of Washington.

(6) "College facilities" means buildings and grounds owned, operated, controlled, or supervised by the college.

(7) "College personnel" refers to any person employed by Community College District 12.

(8) "Dean of students" means the administrative officer or designee at South Puget Sound Community College charged with the enforcement of student discipline.

(9) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the dean of students, the student judicial board or president for the violation of any of the provisions of college policy including these regulations for which such sanctions may be imposed.

(10) "Faculty member(s)" means any employee of South Puget Sound Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian, or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(11) "Recognized student organization" means and includes any group or organization composed of students which is formally recognized by the ASSPSCC senate.

(12) "A sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by college personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during a free time period outside of the supervision and control of the college's faculty member or college personnel responsible for the event or activity shall be deemed to be a nonsponsored activity.

(13) "Student," unless otherwise qualified, means and includes any person who is enrolled for classes, formally in the process of applying for admission to the college, or who has been enrolled at the college.

NEW SECTION

WAC 132L-10-030 JURISDICTION. All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function which is held on or in noncollege facilities.

NEW SECTION

WAC 132L-10-040 AUTHORITY TO PROHIBIT TRESPASS. The president, dean of students or other designated person, is authorized in the instance of any event that the president deems impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from college facilities to:

(1) Prohibit the entry of or withdraw the license or privilege of a person, or any group of persons to enter onto or remain upon any portion of a college facility; or

(2) Give notice against trespass to any person, or group of persons against who have been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(3) Order any person, or group of persons to leave or vacate all or any portion of a college facility.

NEW SECTION

WAC 132L-10-050 RIGHT TO DEMAND IDENTIFICATION. For the purpose of determining identity of a person as a student, college personnel may demand that any person on college facilities produce evidence of student enrollment.

NEW SECTION

WAC 132L-10-060 FREEDOM OF EXPRESSION. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the operation of the college. Concomitantly, the college recognizes the responsibility to maintain a campus atmosphere conducive to a sound educational endeavor.

To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner, do not interfere with vehicular or pedestrian traffic, and do not interfere with the operation of the college.

NEW SECTION

WAC 132L-10-070 FREEDOM OF ASSOCIATION AND ORGANIZATION. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose.

Student organizations must be granted a charter by the ASSPSCC senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the ASSPSCC senate a statement of purpose, criteria for membership, a statement of operating rules or procedure, and the names of college personnel who have agreed to serve as an advisor. All student organizations must also submit to the ASSPSCC senate a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

NEW SECTION

WAC 132L-10-080 STUDENT PARTICIPATION IN COLLEGE GOVERNANCE. As members of the college community, students may express their views on college policy and on matters of general interest to the student body. The ASSPSCC constitution and the college's administrative procedures shall provide channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

NEW SECTION

WAC 132L-10-090 STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act, this policy has been created to insure confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At South Puget Sound Community College these are:

(a) Records pertaining to admission, advisement, registration, grading and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the treasurer.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) Access to education records. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

Note: Charges for reproduced copies of education records are found in the current catalog.

(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosure from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASSPSCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for the advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organizations, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (g) of this subsection.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the academic standards committee through a written request to the registrar. Should the academic standards committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

NEW SECTION

WAC 132L-10-100 STUDENT PUBLICATIONS. The college recognizes the fact that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating opinions on the various issues on the campus and the college community at large.

The college, as the publisher of student publications must bear the legal responsibility for the contents of the publications. For this reason the college will establish a student publications policy and create a student publications board charged with the enforcement of the policy. The publications board shall be composed of an administrator appointed by the college president, two faculty, and three students appointed by the ASB president.

The student publications policy shall protect the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, the student publications policy shall charge the student editors and managers with corollary responsibilities to be governed by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.

NEW SECTION

WAC 132L-10-110 DISTRIBUTION AND POSTING OF MATERIALS. Literature may be distributed on campus in accordance with the following provisions:

(1) Handbills, leaflets, newspapers, and similarly related materials may be distributed in college facilities at locations specifically designated by the director of student programs, provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular traffic. Such literature must bear the name of the organization or individual who publishes, sponsors, or distributes them.

All nonstudents shall register with the director of student programs intent to distribute handbills, leaflets, newspapers, and similarly related materials on college facilities.

(2) Materials may be posted on campus in accordance with the following:

Permission for posting of materials on restricted bulletin boards shall be obtained from the following officials:

(a) The director of student programs for restricted bulletin boards in the student center, hallways, and outside of college facilities. Notices may not exceed 8 1/2" x 11" unless otherwise approved by the director of student programs.

(b) The college official responsible for all other areas within college facilities.

(3) Such notices must bear the name of the organization or individual who publishes, sponsors, or distributes them.

NEW SECTION

WAC 132L-10-120 USE OF COLLEGE FACILITIES. Any recognized ASSPSCC organization may request use of available college facilities for authorized activities. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

NEW SECTION

WAC 132L-10-130 OUTSIDE SPEAKERS. Student organizations recognized by the ASSPSCC senate may invite speakers to the college provided there is no interference with the regularly scheduled operation of the college. The following govern the appearance of speakers not themselves members of the college community:

(1) Any recognized ASSPSCC student organization with the sanction of its advisor, may ask individuals to speak on campus.

(2) The appearance of a speaker on the campus does not involve an endorsement, either implicit or explicit, of the speaker's views by the college, its students, its faculty, its administration, or its board of trustees.

(3) The director of student programs or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker. Exceptions to the three-day ruling may be made by the director of student programs.

(4) The dean of students may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting.

(5) The dean of students may assign a college employee to facilitate any meeting where a speaker has been invited to insure the orderly conduct of the presentation.

NEW SECTION

WAC 132L-10-140 STUDENT COMPLAINTS. The purpose of these procedures is to establish a process where a student may express and resolve misunderstandings, complaints or grievances with any college employee in a fair and equitable manner. This procedure emphasizes an informal resolution.

A complaint is any expression of dissatisfaction with the performance of all college employees or procedures. The students who have a complaint about an action of a college employee should use the following procedure:

(1) Initiating a nonacademic complaint:

(a) The student and the college employee should make a good faith effort to resolve the grievance on a one to one basis within fifteen instructional days from the date of the complaint. In the event of absence from campus by the employee, the student shall contact the organizational unit administrator for advice on how to proceed with the complaint. If the student feels that he/she cannot meet face to face with the employee he/she may directly contact the organizational unit administrator.

(b) If the student determines that a complaint cannot be resolved appropriately with the employee concerned, the student may contact the organizational unit administrator of the employee to facilitate a solution to the grievance.

(c) If a complaint filed with the appropriate organizational unit administrator has not been resolved, the student may proceed with a formal complaint.

(2) Proceeding with a formal complaint:

(a) Office to address: Complaints regarding an instructional employee or policy shall be addressed to the dean of instruction or designee. Complaints regarding an administrative services employee or policy shall be addressed to the dean of administrative services. Complaints regarding student services employees or other college personnel shall be addressed to the dean of students.

(b) The dean/designee shall discuss with the student the concerns with the student and options available to resolve the concern. If the student should elect to proceed with the formal complaint the student must outline in writing the complaint, identifying dates and persons involved as accurately as possible.

(c) The dean shall also inform the student that the student may ask the dean of students or another person the student chooses to act as an advocate in assisting the student in the completion of the complaint process.

(d) The student's written complaint shall be forwarded to the employee concerned who shall provide a written response within ten instructional days.

(e) If the written response does not resolve the complaint to the satisfaction of the student, the dean shall convene a conference of all the involved parties within ten instructional days to (i) attempt to resolve to the satisfaction of all parties the complaint and/or (ii) hear the issue(s) and take appropriate action(s) to resolve the complaint.

(f) Action taken by the dean, if any, may be appealed to the president.

NEW SECTION

WAC 132L-10-150 VIOLATIONS. Any student shall be subject to disciplinary action who, either as a principal actor or aider or abettor:

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provision of college policy;

(3) Commits any of the following acts which are hereby prohibited:

(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, research administration, disciplinary proceedings or other lawful activities on the college campus.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(g) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of students, or any other person designated by the president.

(h) Intentionally inciting others to engage immediately in of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

(i) Possessing, consuming, or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(k) Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(n) Theft or conversion of college property or private property.

(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

NEW SECTION

WAC 132L-10-160 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college, the dean of students or the president shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call the civil authorities.

**Chapter 132L-21 WAC
SOUTH PUGET SOUND
CODE PROCEDURES**

WAC

- 132L-21-010 Initial proceedings.
- 132L-21-020 Appeals.
- 132L-21-030 Disciplinary sanctions.
- 132L-21-040 Readmission after suspension.

NEW SECTION

WAC 132L-21-010 INITIAL PROCEEDINGS. (1) Initiation of prosecution. Students, faculty members, administrators, and other employees of the district shall have concurrent authority to report violations which will be acted upon by the dean of students. All disciplinary proceedings will be initiated by the dean of students.

Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process.

(a) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

(b) Any summary action may be appealed to the dean of students for an informal hearing.

(2) Notice requirements. Any student charged in a report filed pursuant to WAC 132L-10-010, subsection (1) of this section, shall be notified by the dean of students within three academic calendar days after the filing of such a report. The notice shall not be ineffective if presented later due to student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of college policy and the date of the violation; and

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the dean of students; and

(d) Specify the exact time, date, and location of the formal hearing with the student judicial board, if one is required; and

(e) Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and

(f) Inform the student that failure to appear at either of the appointed times at the dean of student's office or at the hearing may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the dean of students.

(a) At the meeting with the dean of students the student shall be informed of provision of the code of student rights and responsibilities that are involved, that the student may appeal any sanction imposed by the dean of students and that if a hearing with the student judicial board is required the student may have that hearing open to the public. If the student requests a hearing with the student judicial board, the dean of students shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the hearing.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of students may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Impose disciplinary sanctions as provided for in WAC 132L-21-030; or

(iii) Refer the matter to the student judicial board for appropriate action.

(c) A student accused of violating any provision of college policy shall be given immediate notification of any disciplinary action taken by the dean of students.

(d) No disciplinary action taken by the dean of students is final unless the student fails to exercise the right of appeal as provided for in these rules.

(4) Student judicial board.

(a) Composition. The college shall have a standing student judicial board composed of nine members, who shall be chosen and appointed no later than October 15 each year to serve as a standing committee until their successors are appointed. The membership of the board shall consist of three members of the administration, excepting the dean of students, appointed by the president; three faculty members appointed by the faculty organization; and three students appointed by the ASSPSCC senate. Any student entitled to a hearing before the student judicial board shall choose, in writing, five members of the board to hear and decide the appeal or disciplinary case, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member board. In the

event that unforeseen circumstances prevent a previously selected board member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

(b) Hearing procedures.

(i) The five members of the student judicial board will hear, de novo, all disciplinary cases appealed to the committee by the student or referred to it by the dean of students.

(ii) The five members of the student judicial board shall elect from among themselves a chairperson for the purpose of presiding at the disciplinary hearing.

(iii) Students shall be given written notice of the time, date, and location of the hearing; the specific charges against him/her; and shall be accorded reasonable access to the case file, which will be retained by the dean of students.

(iv) Hearings will be closed to the public except for the dean of students, immediate members of the student's family, and the student's representative. An open hearing may be held, in the discretion of the chairperson, if requested by the student. All parties, the witnesses, and the public shall be excluded during the student judicial board's deliberations.

(v) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings and may be subject to disciplinary action as set forth in this policy.

(vi) The student may question witnesses, bring an advocate to defend him/her, and have a maximum of three character witnesses appear on his/her behalf.

(vii) The burden of proof shall be on the dean of students who must establish the guilt of the student by a preponderance of the evidence.

(viii) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(ix) The dean of students may appoint a special presiding officer to the student judicial board in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(x) In order that a complete record of the proceeding, including all evidence presented, can be made, hearings may be tape-recorded or transcribed. If a recording or a transcription is not made, the decision of the student judicial board must include a summary of the testimony and shall be sufficiently detailed to permit appellate review.

(xi) After considering the evidence in the case and interviewing the student or students involved, the student judicial board shall decide by majority vote whether to:

(A) Terminate the proceedings exonerating the student(s); or

(B) Impose disciplinary sanctions as provided in WAC 132L-21-030.

(xii) Final decisions of the student judicial board, including findings of fact or reasons for the decision, shall be delivered to the student personally or by registered or certified mail to the student's last known address and a copy filed with the office of the dean of students.

NEW SECTION

WAC 132L-21-020 APPEALS. (1) Appeals of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of students or designated representative may be appealed to the student judicial board.

(b) Disciplinary decisions and action taken by the student judicial board may be appealed by the student to the president.

(2) All appeals by a student must be made in writing to the dean of students within ten calendar days after the student has been notified of the action from which he/she has a right of appeal to the student judicial board or the president.

NEW SECTION

WAC 132L-21-030 DISCIPLINARY SANCTIONS. (1) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific

conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violation of the college rules or regulations or has otherwise failed to meet the college's standards of conduct. Reprimands shall be made in writing to the student as appropriate by the dean of students or the student judicial board with copies filed in the office of the dean of students. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) Fines. The dean of students and/or the student judicial board may assess monetary fines up to a maximum of one hundred dollars per violation against individual students for violation of college rules and regulations or for the failure to meet the college's standards of conduct. Failure to pay such fines within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment of the fine.

(4) Restitution. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment.

(5) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition, such as limiting the student's participation in extracurricular activities or access to specific areas of the college's facilities. Copies of the notice shall be kept on file in the office of the dean of students and in the student's official educational records. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(6) Suspension. Temporary or indefinite dismissal from the college of a student for violation of college rules and regulations. The notification suspending a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the dean of students and in the student's official education record.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students who are suspended from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

NEW SECTION

WAC 132L-21-040 READMISSION AFTER SUSPENSION. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of students. Such petitions must state reasons which support a reconsideration of the matter.

Chapter 132L-23 WAC
SOUTH PUGET SOUND
SUMMARY SUSPENSION RULES

WAC	
132L-23-010	Summary suspension procedures.
132L-23-020	Permission to enter or remain on campus.
132L-23-030	Notice of summary suspension proceedings.

NEW SECTION

WAC 132L-23-010 SUMMARY SUSPENSION PROCEDURES. The dean of students, or designee, may suspend any student of the college for not more than ten academic calendar days pending investigation, action, or prosecution on charges of alleged violation or violations of college policy, if the dean of students has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college property requires such suspension.

NEW SECTION

WAC 132L-23-020 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the suspended student shall not enter the campus of the college or any facility under the operation of the college other than to meet with the dean of students or to attend the hearing. However, the dean of students may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

NEW SECTION

WAC 132L-23-030 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) If the dean of students or designee finds it necessary to exercise the authority to summarily suspend a student, he/she shall give the student notice, orally or in writing, stating: The time, date, place, and nature of the alleged misconduct; the evidence in support of the charge(s); the corrective action or punishment which may be imposed against the student; that anything the student says to the dean may be used against the student; and that the student may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean of students, a written request for a hearing by the student judicial board. If the request is not filed within the prescribed time, it will be deemed as waived.

(2) Appeal and hearing. If oral notice is given, it shall be followed by written notice within forty-eight hours or two working days. The hearing shall be accomplished according to the procedures set forth in WAC 132L-21-010. Failure by the student to appear at the hearing with the student judicial board shall result in the dean of students suspending the student from the college.

WSR 87-08-018
PROPOSED RULES
COMMUNITY COLLEGE DISTRICT TWELVE
(Centralia College)
[Filed March 24, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Centralia College, Community College District 12, intends to amend rules concerning student rights and responsibilities, code procedures, and summary suspension rules;

that the institution will at 7:00 p.m., Thursday, May 14, 1987, in the Boardroom at South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, conduct a public hearing on the proposed rules.

The amendment of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 14, 1987.

Dated: March 24, 1987
By: Case Doelman
Chairman

STATEMENT OF PURPOSE

Title(s): Chapters 132L-20, 132L-22 and 132L-24 WAC.

Description of Purpose: Amendments to existing rules.
Statutory Authority: RCW 28B.50.140.

Specific Statute Rule is Intended to Implement: Not applicable.

Summary of Rule: Code of student rights and responsibilities, code procedures, and summary suspension rules.

Reasons Supporting Proposed Action: Need to define student rights and responsibilities, code procedures, and summary suspension rules at each college within District 12.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Ron Thomas, Dean of Educational Services, (206) 753-3433.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Community College District 12, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No comments.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: N/A.

Chapter 132L-20 WAC
CENTRALIA COLLEGE
STUDENT RIGHTS AND RESPONSIBILITIES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-010 PREAMBLE. Centralia College ((and Olympia Technical Community College are)) is dedicated ((not only)) to learning and the advancement of knowledge ((but)) and also to the development of ethically sensitive and responsible persons.

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity.

Centralia College ((and Olympia Technical Community College expect that students will respect the laws of the greater society)) as a tax supported institution is committed to compliance with state and federal laws. As an institution of higher education, the college is committed to providing an orderly environment that is conducive to student learning.

Admission to the college carries with it the expectation that students will:

- (1) Conduct themselves as responsible members of the college community;
(2) Comply with the rules and regulations of the college;
(3) Maintain high standards of integrity and honesty;
(4) Respect the rights, privileges and property of other members of the college community; and
(5) Not interfere with legitimate college affairs.

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty, and staff of Centralia College ((and Olympia Technical Community College)) are committed.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-020 DEFINITIONS. As used in this code of student rights and responsibilities the following words and phrases shall mean:

(1) "ASCC ((or ASOTCC)) senate" means the representative governing body for students at Centralia College ((or Olympia Technical Community College)) recognized by the board of trustees.

(2) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(3) "Board" means the board of trustees of Community College District 12, state of Washington.

(4) "((Campus)) President" means the duly appointed chief executive officer of Centralia College ((or Olympia Technical Community College)), Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.

(5) "College" means Centralia College ((or Olympia Technical Community College)) located within Community College District 12, state of Washington.

(6) "College facilities" means ((and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto)) buildings and grounds owned, operated, controlled, or supervised by the college.

(7) "College personnel" refers to any person employed by Community College District 12 ((on a full-time or part-time basis, except those who are faculty members)).

(8) "Disciplinary action" means and includes ((suspension)) expulsion or any lesser sanction of any student by the dean of ((students)) educational services, the student ((hearing)) services committee, ((campus)) college president ((district president)), or the board of trustees for the violation of any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed. The college president or designee shall have the authority to suspend any student of the college.

((a)) The campus president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college for a period not to exceed ten academic calendar days.

((b)) The district president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college.

(9) "District" means Community College District 12, state of Washington.

(10) "District president" means the duly appointed chief executive officer of Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.

((+)) "Faculty member(s)" means any employee of Centralia College ((or Olympia Technical Community College)) who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

((+)) (11) "Recognized student organization" means and includes any group or organization composed of students which is formally recognized by the ((student government of the college)) ASCC senate.

((+)) (12) A "sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by the college's ((faculty members or college)) personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college ((faculty member or college)) personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college's ((faculty member or college)) personnel responsible for the event or activity shall be deemed to be a non-sponsored activity.

~~((1+4))~~ (13) "Student~~(s)~~" ~~((unless otherwise qualified,))~~ means ~~((and includes))~~ any person who is ~~((enrolled for classes or formally in the process of applying for admission to the college))~~ or has been officially registered at the college and with respect to whom the college maintains education records or personally identifiable information.

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-030 JURISDICTION. (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function which is held on or in noncollege facilities ~~((not open to attendance by the general public)).~~

(2) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to possible prosecution under the state criminal trespass law and/or ~~((any other possible civil or criminal remedies available to the public and/or))~~ appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's tenure rules and regulations.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-040 AUTHORITY TO PROHIBIT TRESPASS. (1) The ~~((campus))~~ college president, dean of educational services, or other designated person, is authorized in the instance of any event that the ~~((campus))~~ college president deems impedes the movement of persons or vehicles or which the ~~((campus))~~ college president deems to disrupt or threatens to disrupt the ~~((ingress and/or egress))~~ access of persons ~~((from))~~ within college facilities~~(, and the campus president acting through the dean of students, or such other designated person shall have authority and power))~~ to:

(a) Prohibit the entry of, withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(c) Order any person, persons or group of persons to leave or vacate all or any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the ~~((campus))~~ college president or designee pursuant to the requirements of subsection (1) of this ~~((rule))~~ section shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-050 RIGHT TO DEMAND IDENTIFICATION. ~~((1))~~ For the purpose of determining identity of a person as a student ~~((any faculty member or other)),~~ college personnel ~~((authorized by the campus president))~~ may demand that any person on college facilities produce evidence of student enrollment ~~((at the college. Fender of the student identification card will satisfy this requirement)).~~

~~((2))~~ Refusal by a student to produce identification as required shall subject the student to disciplinary action.)

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-060 FREEDOM OF ~~((ACCESS TO HIGHER EDUCATION))~~ EXPRESSION. ~~((Students are free to pursue their educational goals, appropriate opportunities for learning in the classroom and on the campus shall be provided by the district. The college shall maintain an open-door policy, to the end that no students will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet the educational and training needs of the community generally and the students thereof, and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body. PROVIDED, That the administrative officers of the college may deny admission to a prospective student or attendance to an enrolled student if, in their~~

~~judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.))~~ Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

While the college supports the rights of students and other members of the college community, the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner, do not interfere with vehicular or pedestrian traffic, do not interfere with processes of the college and are not held in or on facilities where college functions are in progress.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-070 FREEDOM OF ~~((EXPRESSION))~~ ASSOCIATION AND ORGANIZATION. ~~((Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.))~~

Concomitantly, while supporting the rights of students and other members of the college community, the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner, do not interfere with vehicular or pedestrian traffic, do not interfere with processes of the college and are not held in or on facilities where college functions are in progress.)) Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose.

Student organizations must be granted a charter by the ASCC senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the ASCC senate a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of college personnel who has agreed to serve as advisor. All student organizations must also submit to the ASCC senate a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-080 ~~((FREEDOM OF ASSOCIATION AND ORGANIZATION))~~ STUDENT PARTICIPATION IN COLLEGE GOVERNANCE. ~~((Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.))~~

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a faculty member who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualification which may be required by organizations whose aims are

primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.) As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-090 STUDENT ((PARTICIPATION IN COLLEGE GOVERNANCE)) RECORDS. ((As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASCC or ASOTCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.)) In compliance with the Family Educational Rights and Privacy Act, this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Centralia College these are:

(a) Records pertaining to admission, advisement, registration, grading, and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the cashier.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office or the athletics office.

(2) Access to education records. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired. (Charges for reproduced copies of education records are found in the current catalog.) Disclosure to others is subject to applicable state and federal laws. 20 U.S.C. Sec. 1232g; 45 CFR part 99; chapter 42.17 RCW.

(3) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy or other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the student services committee through a written request to the registrar. Should the student services committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-100 STUDENT ((RECORDS)) PUBLICATIONS. ((In compliance with the Family Educational Rights and Privacy Act, this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Centralia College and Olympia Technical Community College these are:

(a) Records pertaining to admission, advisement, registration, grading, and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the treasurer.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) Access to education records. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

Charges for reproduced copies of education records are found in the current catalog.

(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing. The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosures from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASCC or ASOTCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, record keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (g) of this section.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the academic standards committee through a written request to the registrar. Should the academic standards committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education

records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and
—Privacy Act Office (FERPA)
Department of Health, Education,
—and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402)

The college recognizes the fact that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating opinion on various issues on the campus and in the college community at large. They may serve as a means of journalistic and/or creative expression.

The college, as the publisher of student publications, must bear the legal responsibility for the contents of the publications. For this reason it has approved a student publications policy and has created a publications board charged with the enforcement of that policy. The board should be composed of two faculty, three students, and the director of student programs.

The student publications policy protects the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, the student publications policy has charged the student editors and managers with corollary responsibilities to be governed by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-110 ((STUDENT PUBLICATIONS)) DISTRIBUTION AND POSTING OF MATERIALS. ((The college recognizes the fact that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating opinion on various issues on the campus and in the college community at large. They may serve as a means of journalistic and/or creative expression.

The college, as the publisher of student publications, must bear the legal responsibility for the contents of the publications. For this reason it has approved a student publications policy and created a student publications board charged with the enforcement of that policy.

The student publications policy protects the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, the student publications policy has charged the student editors and managers with corollary responsibilities to be governed by the canons of responsible journalism, including the avoidance

of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo:)) (1) Definition: Literature, as the term is used in this section, refers to any handbill, newspaper, pamphlet, circular, placard, poster, booklet or book, which is machine printed, typed, duplicated or handwritten or printed on paper, card, cloth or other material and is handed out, placed in areas for easy pickup, placed on tables, or is displayed by posting on bulletin boards, walls, or windows.

(2) Definition: Symbolic insignia, as the term is used in this section, refers to any button, badge, arm band, article of clothing, or other insignia of symbolic expression that may be worn or displayed by a person to symbolize commitment to or belief in any legal cause, idea, or philosophy.

(3) Students shall be allowed to distribute and display literature and to exhibit symbolic insignia subject to the following specific limitations:

(a) Literature may not be distributed or displayed or exhibited which has symbolic insignia that: Is obscene according to current legal definition; is libelous or slanderous according to current legal definition; incites students so as to create a clear and present danger of the imminent commission of unlawful acts or of the substantial disruption of the orderly operations of the school; expresses or advocates racial, ethnic, or religious prejudice as to create a clear and present danger of imminent commission of unlawful acts on college premises or of the violation of lawful college regulations or of the substantial disruption of the orderly operation of the college; is distributed in violation of the time, place, and manner requirements.

(b) Distribution of literature on campus shall be from the tables in the Commons area unless special permission is obtained from the student programs office for other types of distribution. The following kinds of literature may not be distributed or displayed without the consent of the director of student programs: Literature advertising off-campus activities sponsored by an individual or group not connected with the college; literature for which there is a charge of donation required or requested, either explicitly or implicitly; literature whose legality is in question. No literature may be displayed or distributed which solicits funds except with the approval of the student programs office.

(c) Literature which is not in conflict with the above stipulations may be posted and otherwise displayed throughout the college. No literature may be posted in such a way that would damage college property. When in doubt, the student should contact the student programs office.

(d) Literature which does not conform to the above stipulations and/or is improperly posted will be taken down. Repeated violations of college policy may result in disciplinary action.

(4) Students have a right to expect that literature which conforms to the standards set forth in this section and which is properly displayed will be exhibited for a reasonable length of time. Any person who removes acceptable literature, properly posted, is violating the originator's freedom of speech and will be dealt with accordingly.

(5) Handbills, leaflets, newspapers, and similarly related materials may be distributed in college facilities at locations specifically designated by the director of student programs, provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular traffic. Such literature must bear the name of the organization or individual who publishes, sponsors, or distributes them.

(6) All nonstudents shall register and receive approval from the director of student programs prior to any distribution or posting of handbills, leaflets, newspapers, and similarly related materials on college facilities.

(7) Permission for posting of materials on campus shall be obtained from the director of student programs for restricted bulletin boards in the student center, hallways, and outside of college facilities. Notices may not exceed 8-1/2 inches by 11 inches unless otherwise approved by the director of student programs.

(8) Such notices must bear the name of the organization or individual who publishes, sponsors, or distributes them. ASCC campaign rules govern special poster and sign locations for ASCC elections. Information on these special policies and regulations is available in the ASCC office.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-120 ((DISTRIBUTION AND POSTING OF MATERIALS)) VISITORS TO THE COLLEGE. ((The college encourages free expression. Use of college facilities as provided herein, however, does not accord users immunity from legal action.~~

~~Permission for posting of literature in the various restricted areas provided therefore, shall be obtained from the following college officials:~~

~~(1) The director of student programs for posting on the restricted posting areas of the student center and those areas located on the campus outside of college buildings.~~

~~(2) Deans and directors for posting on the restricted posting areas provided in the appropriate college facility.~~

~~ASCC or ASOTEC campaign rules govern special poster and sign locations for ASCC or ASOTEC elections. Information on these special policies and regulations is available in the ASCC or ASOTEC office.~~

~~Posting of posters, signs, and other publicity or promotional materials is permitted only in the locations specified above. All material sought to be posted in restricted posting areas must have the identity of its sponsorship appearing on its face.~~

~~The dissemination or distribution of materials by persons on the public streets, walks and ways of the campus, shall be subject to the laws of the cities of Centralia and Olympia, Lewis and Thurston counties, state of Washington and the United States.~~

~~Permission for the dissemination or distribution of materials in other areas of the college campus, buildings and facilities shall be obtained from the director of student programs. Persons distributing materials without permission shall be subject to the provisions of the code of student rights and responsibilities.) Members of the community are always welcome to visit the campus and use its facilities providing their presence on campus in no way interferes with, distracts from, or encourages students to neglect the educational functions for which the college has been established.~~

~~Persons who are neither students nor employees of the college while on college property, are required to abide by pertinent law as well as college policies and regulations.~~

~~All persons on college property may be required to identify themselves upon the request of a college official acting in an official capacity.~~

~~A visitor may be removed from the college for making undue noise which adversely affects the instructional program and/or other routine operations of the college; presenting an appearance and/or actions which are offensive to students or college personnel to the extent that their rights are interfered with; advocating that a civil law and/or policy of the district be violated; breaking any law; or disturbing public meetings, classes, or other college activities.~~

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-140 USE OF COLLEGE FACILITIES. Any recognized ASCC ((or ASOTEC)) organization may request approval from the director of student programs to utilize available college facilities for authorized activities as provided for in official ASCC ((or ASOTEC)) documents. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.~~

~~Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.~~

~~Student organizations should schedule facility use requests with the director of student programs at least three academic calendar days in advance of an event whenever possible.~~

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-150 NONCOLLEGE SPEAKER POLICY. The trustees, the administration, and the faculty of the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide~~

variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community:

(1) Any recognized ASCC ((or ASOTEC)) student organization with the written sanction of its advisor, may ask individuals to speak on campus subject to normal restraints imposed by considerations of common decency and the state law.

(2) The appearance of a speaker on the campus does not involve an endorsement, either implicit or explicit, of the speaker's views by the college, its students, its faculty, its administration or its board of trustees.

~~(3) ((The scheduling of facilities for hearing invited speakers shall be made through the office of the director of student programs.~~

~~(4)) The director of student programs or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker, at which time a form (available in the student programs office) must be completed with such particulars as name of speaker, speech or discussion topic, time of appearance(s) and sponsoring organization. The form must bear the signature of the sponsoring organization's advisor. Exceptions to the three day ruling may be made by the director of student programs ((with the approval of the dean of students)).~~

~~((5)) (4) The dean of ((students)) educational services may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting. The ((campus president)) dean of educational services may assign a ((faculty member)) college employee to preside over any meeting where a speaker has been invited.~~

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-160 VIOLATIONS. Any student shall be subject to immediate disciplinary action provided for in code procedures and summary suspension rules who, either as a principal actor or aider or abettor;~~

~~(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;~~

~~(2) Violates any provision of the code of student rights and responsibilities;~~

~~(3) Commits any of the following acts which are hereby prohibited:~~

~~(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.~~

~~(b) Failure to comply with lawful directions of ((faculty, administrators and other regularly employed)) college personnel acting in performance of their lawful duties.~~

~~(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, research, administration, disciplinary proceedings or other lawful activities on the college campus.~~

~~(d) Physical and/or verbal abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.~~

~~(e) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.~~

~~(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.~~

~~(g) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities (as defined in RCW 9.41.010(3) and 9.41.250) on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of ((students)) educational services, or any other person designated by the ((campus)) college president.~~

~~(h) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)~~

~~(i) Possessing, consuming or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.~~

~~(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.~~

(k) Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(n) Theft or conversion of college property or private property.

(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(p) Using, possessing, furnishing, or selling college supplies or equipment without official approval.

(q) Otherwise violates college policy, rules, or local, state, and federal laws.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-170 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college as defined in WAC (~~132L-20-070~~) 132L-20-060 Freedom of expression, the dean of ((students)) educational services or the ((campus)) college president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call the civil authorities.

(4) Take the necessary steps to insure campus emergency procedures are followed (notify appropriate dean or administrator and submit a completed "Emergency Information Form").

Chapter 132L-22 WAC
CENTRALIA COLLEGE
CODE PROCEDURES

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-010 PURPOSE OF DISCIPLINARY ACTION((S)). The college may apply sanctions or take other appropriate action when student conduct materially and substantially interferes with the college's:

(1) Primary educational responsibility of ensuring the opportunity for all students of the college community to attain their educational objectives((:)); or

(2) Subsidiary responsibilities of protection and maintaining property, keeping records, other services, and sponsoring nonclassroom activities such as lectures, concerts, athletic events, and social functions. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the college.

(a) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process.

(b) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

(c) Faculty shall maintain a written record of any summary action and a copy shall be filed with the dean of ((students)) educational services within two scheduled classroom days.

(d) Any summary action may be appealed to the dean of ((students)) educational services for an informal hearing.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-020 INITIAL PROCEEDINGS. (1) Initiation of prosecution. Students, faculty members, administrators and other employees of the district shall have concurrent authority to report violations which will be acted upon by the dean of ((students)) educational services. All disciplinary proceedings will be initiated by the dean of ((students)) educational services or designated representative.

(2) Notice requirements. Any student charged in a report filed pursuant to ((WAC 132L-22-020;)) subsection (1) of this section, with a violation of the code of student rights and responsibilities shall be notified by the dean of ((students)) educational services or designated representative within two academic calendar days after the filing of such a report. The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of the code of student rights and responsibilities and the date of the violation; and

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the dean of ((students)) educational services; and

(d) Specify the exact time, date, and location of the formal hearing, if one is required; and

(e) Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and

(f) Inform the student that failure to appear at either of the appointed times at the dean of ((student's)) educational service's office or at the hearing may subject the student to ((suspension from the institution for a stated or indefinite period of time)) any actions authorized by this code.

(3) Meeting with the dean of ((students)) educational services.

(a) At the meeting with the dean of ((students)) educational services the student shall be informed of provisions of the code of student rights and responsibilities that are involved, that the student may appeal any sanction imposed by the dean of ((students)) educational services and that if a hearing is required the student may have that hearing open to the public. If the student requests a formal hearing, the dean of ((students)) educational services shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of ((students)) educational services may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Dismiss the case after whatever counseling and advice may be appropriate; or

(iii) Impose minor sanctions directly (warning, reprimand, fine, restitution, disciplinary probation) subject to the student's right of appeal described below; or

(iv) Refer the matter to the student ((hearing)) services committee for a recommendation to the ((campus)) college president((/district president)) or designee as to appropriate action; or

(v) Recommend to the ((campus)) college president((/district president)) or designee that the student be suspended. The student shall immediately be notified in writing of such recommendation and of the right to a hearing before the student ((hearing)) services committee prior to the ((campus president/district)) college president's or designee's final decision.

(c) A student accused of violating any provision of the code of student rights and responsibilities shall be given immediate notification of any disciplinary action taken by the dean of ((students)) educational services or designated representative.

(d) No disciplinary action taken by or at the recommendation of the dean of ((students)) educational services or designated representative is final unless the student fails to exercise the right of appeal as provided for in these rules. The ((campus)) college president((/district president)) or designee after reviewing the case, including any statement the student may file with the ((campus)) college president((/district president)) or designee, shall either give written approval of the action taken by or at the recommendation of the dean of ((students)) educational services, or give written direction as to what lesser disciplinary action, if any, is to be taken.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-030 APPEALS. (1) Appeals contesting recommendations of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of ~~((students))~~ educational services or designated representative may be appealed to the student ~~((hearing))~~ services committee;

(b) Disciplinary recommendations made by the student ~~((hearing))~~ services committee may be appealed by the student to the ~~((campus))~~ college president; ~~((in the case of a recommendation for suspension for ten days or less it may be appealed to the campus president; in the case of a recommendation for suspension exceeding ten days it may be appealed to the district president or designee.))~~

(c) Disciplinary action taken by the ~~((district))~~ college president and resulting in suspension exceeding in duration one college quarter may be appealed by the student to the board of trustees and their decision shall be final.

(2) All appeals by a student must be made in writing to the committee, ~~((district))~~ college president or designee, or board of trustees and presented to the committee, ~~((campus))~~ college president ~~((district president))~~ or designee, or chairman of the board of trustees within ten calendar days after the student has been notified of the action from which he has a right of appeal.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-040 STUDENT ~~((HEARING))~~ SERVICES COMMITTEE. (1) Composition. The college shall have a standing committee composed of ~~((nine))~~ eight members, who shall be chosen and appointed no later than October 15 of each year to serve as a standing committee until their successors are appointed. The membership of the standing committee shall consist of ~~((three))~~ two members of the administration, ~~((excepting the dean of students.))~~ chosen by the ~~((campus president))~~ management constituency; ~~((three))~~ two faculty members chosen by the ~~((faculty organization))~~ college faculty representation; and ~~((three))~~ two students chosen by the ASCC ~~((or ASOTCC))~~ senate and two classified employees, chosen by the classified constituency. ~~((Any student entitled to a hearing before a student hearing committee shall choose, in writing, five members of the standing committee to hear and decide the appeal, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member standing committee. The balance of the student hearing committee, two members, may be chosen from the remainder of the standing committee, provided, that both shall not be from the same classification. In the event that unforeseen circumstances prevent a previously selected committee member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.))~~

(2) Procedures for hearing.

(a) ~~((Five members of))~~ The student ~~((hearing))~~ services committee will hear, de novo, and make recommendations to the ~~((campus))~~ college president ~~((district president))~~ or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of ~~((students))~~ educational services or designated representative. Recommendations involving suspension will be referred to the ~~((campus))~~ college president ~~((district president))~~ or designee.

(b) The student ~~((hearing))~~ services committee shall elect from among its ~~((five))~~ eight members a chairman for the purpose of presiding at the disciplinary hearing.

(c) Hearings generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing any person is disruptive of the proceedings, the chairman of the student ~~((hearing))~~ services committee may exclude such person from the hearing room.

(d) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of the code of student rights and responsibilities. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the ~~((campus))~~ college president ~~((district president))~~ or designee the appropriate disciplinary action.

(e) The student shall be given written notice of the time and place of the hearing before the committee. Said notice shall contain:

(i) A statement of the date, time, place and nature of the disciplinary proceedings;

(ii) A statement of the specific charges against the student including references to the particular sections of the code of student rights and responsibilities involved;

(iii) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(f) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; the student shall be entitled to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain information that the student specifically describes, in writing, and tenders to the dean of ~~((students))~~ educational services no later than three days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

(g) The student may be represented by counsel of his/her choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days notice thereof to the dean of ~~((students))~~ educational services.

(h) In all disciplinary proceedings the college may be represented by the dean of ~~((students))~~ educational services or designee; the dean of ~~((students))~~ educational services may then present the college's case against the student accused of violating the code of student rights and responsibilities: PROVIDED, That in those cases in which the student elects to be represented by a licensed attorney, the dean of ~~((students))~~ educational services may elect to have the college represented by an assistant attorney general.

(i) The proceedings of the hearing shall be recorded. A copy thereof shall be on file at the office of the dean of ~~((students))~~ educational services.

(j) The time of the hearing may be advanced by the committee at the request of the student or continued for good cause.

(3) Admissible evidence.

(a) Only those matters presented at the hearing in the presence of the accused student, will be considered in determining whether the student ~~((hearing))~~ services committee has sufficient cause to believe that the accused student is guilty of violating the rules that the student is charged with having violated.

(b) In determining whether sufficient cause, as stated in ~~((the preceding paragraph))~~ (a) of this subsection, does exist, members of the student ~~((hearing))~~ services committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(c) The chairman of the student ~~((hearing))~~ services committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(4) Interference with proceedings. Any student interfering with the proceedings of the meeting with the dean of ~~((students))~~ educational services or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the college by the dean of ~~((students))~~ educational services or the student ~~((hearing))~~ services committee or the ~~((campus))~~ college president ~~((district president))~~ or designee, or the board of trustees at the time the interference takes place and shall be subject to suspension or any lesser sanction as may be recommended by the student ~~((hearing))~~ services committee or as may be determined by the ~~((campus))~~ college president ~~((district president))~~ or designee or the board of trustees at the time the interference takes place or within fifteen academic calendar days thereafter.

(5) Decision by the committee.

(a) Upon conclusion of the disciplinary hearing, the student ~~((hearing))~~ services committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the ~~((campus))~~ college president ~~((district president))~~ or designee the following actions:

(i) That the college terminate the proceedings and exonerate the student or students;

(ii) That the college impose minor sanctions directly, such as a warning, reprimand, fine, restitution, or disciplinary probation;

(iii) That the student be suspended from college including a recommendation of the duration of such suspension.

(b) The student shall be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the code of student rights and responsibilities and the committee's recommendation to the ((campus)) college president(~~(/district president)~~) or designee. The committee shall also advise the student in writing of the right to present, within ten calendar days, a written statement to the ((campus)) college president(~~(/district president)~~) or designee appealing the recommendation of the committee.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-050 FINAL DECISION REGARDING DISCIPLINARY SANCTION. (1) The ((campus)) college president(~~(/district president)~~) or designee (except the dean of ((students)) educational services) shall, after reviewing the record of the case prepared by the student ((hearing)) services committee together with any statement filed by the student, include therein a written acceptance of the recommendations of the committee, or written directions as to what lesser disciplinary sanction shall be taken.

(2) If the ((campus)) college president(~~(/district president)~~) or designee decides that discipline is to be imposed after the review provided by ((~~the preceding paragraph~~)) subsection (1) of this section, the ((campus)) college president(~~(/district president)~~) or designee shall notify the student in writing of the discipline imposed.

(3) In all cases of disciplinary action, the decision of the ((campus)) college president(~~(/district president)~~) or designee shall be final except for those cases involving suspension if the suspension has been appealed to the board of trustees.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-060 DISCIPLINARY SANCTIONS. The following definitions of disciplinary terms have been established and shall be the sanctions imposed upon violators of the code of student rights and responsibilities:

(1) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violation of the college rules or regulations or for failure to meet the college's standards of conduct. Reprimands shall be made in writing to the student by the officer or agency taking action, with copies filed in the office of the dean of ((students)) educational services. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) ((~~Fines. The dean of students and/or the student hearing committee may assess monetary fines up to a maximum of twenty-five dollars against individual students for violation of college rules and regulations or for failure to meet the college's standards of conduct. Failure to pay such fines within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section provided that a student may be reinstated upon payment of the fine.~~))

(4)) Restitution. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection ((~~(6)~~)) (5) of this section provided that a student may be reinstated upon payment.

((~~(5)~~)) (4) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or other failure to meet the college standards of conduct. The office or agency placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation may be for a specified ((~~term or for an indefinite~~)) period which may extend to graduation or other termination of the student's enrollment in the college.

((~~(6)~~)) (5) Suspension. Temporary or indefinite dismissal from the college and termination of the student status of a student for violation

of college rules or regulations or for failure to meet the college standards of conduct. The notification suspending a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-070 READMISSION AFTER SUSPENSION. Any student suspended from the college for disciplinary reasons may be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of ((students)) educational services. Such petitions must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petitions must be reviewed and approved by the ((campus)) college president(~~(/district president)~~) or designee, or by the board of trustees in those cases in which it made the final disciplinary action decision.

Chapter 132L-24 WAC
CENTRALIA COLLEGE
SUMMARY SUSPENSION RULES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-010 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The ((campus)) college president or designee may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of an alleged code of student rights and responsibilities violation or violations, and if the ((campus)) college president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property command such suspension.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-020 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the student shall not enter any campus of District 12 other than to meet with the dean of ((students)) educational services or to attend the hearing. However, the dean of ((students)) educational services may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-030 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) If the ((campus)) college president or designee desires to exercise the authority to summarily suspend a student, the ((campus)) college president shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the code of student rights and responsibilities involved; and

(b) That the student charged must appear before the dean of ((students)) educational services at a time specified in the notice.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-040 PROCEDURES OF SUMMARY SUSPENSION HEARING. (1) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the dean of ((students)) educational services that there is no cause to believe that the violation stated on the

notice of summary suspension proceedings did occur, and that immediate suspension is not necessary nor justifiable pursuant to chapter 132L-24 WAC Summary suspension rules.

(2) The student may offer personal oral testimony or that of any person, submit any statement or affidavit, examine any affidavit or cross-examine any witness, and submit any matter in extenuation or mitigation of the violation or violations charged.

(3) The dean of ~~((students))~~ educational services shall at the time of the summary suspension proceedings determine whether there is probable cause to believe that a violation of law or of provisions of the code of student rights and responsibilities has occurred, and whether there is reason to believe that immediate suspension is necessary. In the course of making such a decision, the dean of educational services may consider the sworn affidavits or oral testimonies of persons who have alleged that the student charged has committed a violation of law or of provisions of the code of student rights and responsibilities and the oral testimony and affidavits submitted by the student charged.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-050 **DECISION BY THE DEAN OF ~~((STU-DENTS))~~ EDUCATIONAL SERVICES.** If the dean of ~~((students))~~ educational services, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of the code of student rights and responsibilities are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary under the provisions of WAC 132L-24-010 Summary suspension rules; and

(3) Such violation or violations of the law or of provisions of the code of student rights and responsibilities constitute grounds for disciplinary action, then the dean of ~~((students))~~ educational services may, with the written approval of the ~~((campus))~~ college president, suspend such student from college.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-060 **NOTICE OF SUMMARY SUSPENSION.**

(1) If a student is suspended pursuant to the above rules, the student shall be provided with a written copy of the dean of ~~((students))~~ educational services' findings of fact and conclusions, as expressly concurred in by the ~~((campus))~~ college president, which constituted probable cause to believe that the conditions for summary suspension existed.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of summary suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective from the day the notice of suspension is mailed or personal service accomplished, whichever shall occur first.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-070 **SUSPENSION FOR FAILURE TO APPEAR.** If the student against whom specific violations of provisions of the code of student rights and responsibilities have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the dean of ~~((students))~~ educational services may, with the written concurrence of the ~~((campus))~~ college president, suspend the student from college.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-080 **APPEAL.** (1) Any student aggrieved by an order issued at the summary suspension proceedings may appeal the same to the ~~((district))~~ college president or designee. No such appeal

shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the proceedings of findings of the dean of ~~((students and the campus president;))~~ educational services is tendered at the office of the ~~((campus))~~ college president within seventy-two hours following the date "Notice of summary suspension" was served or mailed to the student, whichever occurred first.

(2) The ~~((district))~~ college president or designee shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the dean ~~((and campus president))~~ of educational services, the record of the summary suspension proceedings, and determine therefrom whether the summary suspension order is justified. Following such examination, the ~~((district))~~ college president or designee may, at his/her discretion, stay the summary suspension pending determination of the merits of the disciplinary proceedings pursuant to the provisions of the code procedures.

(3) The ~~((district))~~ college president or designee shall notify the appealing student within forty-eight hours following his/her consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceedings pursuant to the provisions of the code procedures.

WSR 87-08-019

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Order 60, Resolution No. 295—Filed March 25, 1987]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to schedule of tolls for the Washington state ferry system, amending WAC 468-300-010.

We, the Washington State Transportation Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the adoption of this schedule of tolls for the Washington state ferry system is necessary to permit the omission of the .30 express charge. For budgetary reasons the express charge is no longer needed.

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

This rule is promulgated pursuant to RCW 47.60.326 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.326.

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, 1987.

By Vaughn Hubbard
Chairman

AMENDATORY SECTION (Amending Order 59, Resolution No. 287, filed 11/21/86)

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 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
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 reuseable ticket rate shall apply.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Inter-island passenger fares included in Anacortes tolls.

(~~*****Passenger only vessel—A \$.30 express charge will be applied to all appropriate passenger tolls (\$.15 half fare) for passengers riding the passenger only vessel. This fare will be collected at both destinations.**)~~

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 87-08-020

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1917—Filed March 25, 1987]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to brucellosis and tuberculosis in cattle and goats, chapter 16-86 WAC.

This action is taken pursuant to Notice No. WSR 87-04-052 filed with the code reviser on February 4, 1987. 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 16.36.040 and 16.36.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 25, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1814, filed 3/30/84)

WAC 16-86-005 DEFINITIONS. For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States department of agriculture veterinary services to participate in state-federal cooperative programs.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) for beef breed cattle and between the ages of four and eight months (one hundred twenty

days to two hundred forty days) for dairy breed cattle with an approved brucella vaccine.

(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States department of agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.

(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.

AMENDATORY SECTION (Amending Order 1814, filed 3/30/84)

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

(a) Calves under four months of age.

(b) Cattle sold or consigned to a quarantined registered feed lot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Steers and spayed heifers.

(e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.

(2) ~~((No female cattle may be sold, or introduced into any herd, in the state of Washington unless they are properly identified as official brucellosis vaccinates, except the following classes of cattle are exempt from this requirement))~~ All female cattle shall be officially vaccinated against brucellosis and bear a legible vaccination tattoo prior to being sold or introduced into any herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age (~~(=PROVIDED; That)).~~ Female calves under four months acquired by any herd and natural female additions must ((be officially brucellosis calfhood vaccinated and identified before the age of twelve months)) become official calfhood

vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (c), (d), (e), or (f) of this subsection.

(b) Female beef breed cattle born before January 1, 1983.

(c) Cattle sold or consigned to a quarantined registered feed lot.

(d) Cattle sold or consigned to a federally inspected slaughter plant.

(e) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(f) Spayed heifers.

(3) Any dairy breed female cattle over eight months of age which are not exempted in subsection (2) of this section (~~but~~) and which are found not to be vaccinated (~~for~~) against brucellosis upon consignment to a public livestock market, shall be identified (~~by the department~~) by branding with an "S" brand on the left hip prior to sale and released from the market (~~only when such cattle have been specifically destined by the buyer to one of the following~~). After "S" branding, the nonvaccinated cattle may be released by the director on a VS1-27 Form or other official permit to any of the following destinations:

(a) A quarantined registered feed lot.

(b) A federally inspected slaughter plant.

(c) Another public livestock market for immediate slaughter only.

(d) Upon specific approval by the state veterinarian, nonvaccinated cattle "S" branded at a public livestock market may be returned to the farm of origin where they must remain until released by the state veterinarian for consignment to one of the destinations listed under (a), (b), or (c) of this subsection.

(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.

(5) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers.

WSR 87-08-021

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1918—Filed March 25, 1987]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the importation of animals into the state of Washington, chapter 16-54 WAC.

This action is taken pursuant to Notice No. WSR 87-04-053 filed with the code reviser on February 4, 1987. 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 16.36.040 and 16.36.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 25, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1540, filed 10/17/77)

WAC 16-54-030 HEALTH CERTIFICATE. (1) All animals entering Washington shall be accompanied by an official health certificate except (~~those classes of animals specifically exempted in laws or regulations of this state~~):

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Those classes of animals specifically exempted in laws or regulations of this state.

(2) "Official health certificate" means a legible certificate executed on an official form of the state of origin or of the Animal Health Division, United States Department of Agriculture, by a licensed and accredited veterinarian or a veterinarian approved by the proper official of the Animal Health Division, United States Department of Agriculture, and shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue: PROVIDED, The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification.

(f) Certification of disinfection of cars and trucks when required.

~~((2))~~ (3) All health certificates shall be approved by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

AMENDATORY SECTION (Amending Order 1838, filed 7/24/84)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian ~~(- PROVIDED; That this permit requirement will be reviewed two years after the effective date to determine that the results obtained warrant the continuation of this requirement))~~. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to quarantined registered feed lots, or to federally inspected slaughter plants for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) ~~((Cattle originating in class free or Class A states must be negative to an official brucellosis test conducted within thirty days prior to date of entry:~~

~~(ii) Cattle originating in Class B states must be negative to an official brucellosis test conducted within thirty days prior to date of entry and will be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of preentry test.~~

~~(iii) Cattle originating in Class C states must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. These cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test.~~

~~(iv) The following classes of cattle are exempt from the test requirements in (a)(i), (ii), and (iii) of this subsection:~~

~~(A) Calves under six months of age.~~

~~(B) Steers and spayed heifers.~~

~~(C) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.~~

~~(D) Immediate slaughter cattle going directly to a federally inspected slaughter plant.~~

~~(E) Cattle consigned directly to a state-federal quarantined feed lot.~~

~~(F) Cattle from certified brucellosis free herds.~~

~~(G) Beef breed cattle eligible for brucellosis testing coming from class free or Class A states may be moved~~

~~to state-federal approved livestock markets in Washington to meet entry health requirements.~~

~~(v)) Cattle from class free and A states.~~

~~(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant or to a quarantined feedlot.~~

~~(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a quarantined feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:~~

~~(I) Calves under six months of age.~~

~~(II) Steers and spayed heifers.~~

~~(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.~~

~~(IV) Cattle from a certified brucellosis free herd.~~

~~(ii) Cattle from class B or C states.~~

~~(A) Sexually intact heifers from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment or to a quarantined feedlot.~~

~~(B) Cattle other than those referred to in (a)(ii)(A) of this subsection from class B states which are test eligible, unless destined for a quarantined feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:~~

~~(I) Calves under six months of age.~~

~~(II) Steers and spayed heifers.~~

~~(III) Cattle from a certified brucellosis free herd.~~

~~(C) Cattle other than those referred to in (a)(ii)(A) of this subsection from class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:~~

~~(I) Calves under six months of age.~~

~~(II) Steers and spayed heifers.~~

~~(III) Cattle from a certified brucellosis free herd.~~

~~(iii) Beef cattle eligible for brucellosis testing coming from class free or A states may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.~~

~~(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin~~

shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis calfhooed vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis calfhooed vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

(c) Brucellosis calfhooed vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle born before January 1, 1983.

(iii) Cattle sold or consigned to a quarantined registered feed lot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: PROVIDED, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: PROVIDED, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

AMENDATORY SECTION (Amending Order 1540, filed 10/17/77)

WAC 16-54-120 DOGS AND CATS. ((+)) In addition to the general provisions for the importation of livestock, the official health certificate for dogs and cats shall contain the certification:

((+)) (1) That such animals are apparently free from infectious, contagious, and communicable disease.

((+)) (2) That all dogs and cats have been vaccinated against rabies according to ((U.S.)) United States Public Health Department regulations and standards at the time of entry. Each animal must be identified by a tag number and official health certificate.

~~((c)) Cats—no rabies vaccination required.~~

((+)) (3) That such animals do not originate from an area under quarantine for rabies. Animals originating from rabies quarantine or rabies areas must be accompanied by a permit obtained from the state department of agriculture office in Olympia, Washington previous to shipment, the terms of which must be stated on the health certificate.

WSR 87-08-022

PROPOSED RULES

COUNTY ROAD ADMINISTRATION BOARD

[Filed March 25, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the County Road Administration Board intends to adopt, amend, or repeal rules concerning chapter 136-160 WAC, allocation of rata funds to approved RAP projects: WAC 136-160-050 project approval and RATA fund allocation; and chapter 136-04 WAC, regarding annual certification: WAC 136-04-030 response by the county;

that the agency will at 1:30 p.m., Tuesday, May 5, 1987, in the Thunderbird Inn, Yakima, 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 36.79.060.

The specific statute these rules are intended to implement is RCW 36.79.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 20, 1987.

Dated: March 18, 1987

By: Ernest Geissler
Director

STATEMENT OF PURPOSE

Title: Administration of the rural arterial program.

Description of Purpose: To amend the maximum amount of trust account funds which can be allocated to any one county in the northwest region.

Statutory Authority: RCW 36.79.060.

Specific Statute: RCW 36.79.090 and 36.79.140.

Summary of Rule: The maximum amount of trust account funds which can be allocated to any one county in the northwest region shall be \$500,000.

Reasons Supporting Proposed Action: Requested by the counties involved.

Agency Personnel Responsible: Ernest Geissler, Director.

Organization Proposing Rule: County Road Administration Board.

Agency Recommendation: The CRABoard is recommending the proposed new language as requested.

The rules are not the product of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 56 [24], filed 7/30/84 [10/31/74])

WAC 136-04-030 RESPONSE BY THE COUNTY. The county engineer shall complete the questionnaire, certify as to its accuracy, have it approved by the chairman of the board of county commissioners, and shall return it to the Board no later than ((March 15.)) April 10.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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 56, filed 7/30/84)

WAC 136-160-050 PROJECT APPROVAL AND RATA FUND ALLOCATION. The CRABoard will meet as soon as feasible after the passage of each biennial budget by the Legislature to approve RAP projects and allocate RATA funds. RAP projects shall be approved by region in order of their regional priority and RATA funds shall be allocated up to a cumulative dollar amount no greater than 90% of the RATA construction appropriation included in the biennial budget; provided, however, that no county shall receive a total RATA fund allocation greater than the following amounts in the respective regions: NWR, ((\$375,000)) \$500,000; NER, 15% of the regional apportionment; SER, \$500,000; and SWR, \$400,000. The remaining construction appropriation may be allocated to approved projects later in the biennium at a time deemed appropriate by the CRABoard.

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 87-08-023 NOTICE OF PUBLIC MEETINGS URBAN ARTERIAL BOARD [Memorandum—March 25, 1987]

URBAN ARTERIAL BOARD
TRANSPORTATION BUILDING
OLYMPIA, WASHINGTON 98504
(Transportation Board Room)

Beginning at 9:30 a.m., Tuesday, April 14, 1987.

Note: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to April 9, 1987.

WSR 87-08-024 ATTORNEY GENERAL OPINION Cite as: AGO 1987 No. 10 [March 20, 1987]

STATE—COUNTY DEEDED FOREST LANDS—TRUST—
AGENCY FLAT RATE OF RETURN—SETTLEMENT PROCEEDS FROM TIMBER SALE LITIGATION

RCW 76.12.030 does not establish a separate trust for each county with reference to the lands deeded by each county to the DNR for state forest lands.

RCW 76.12.030(1) does authorize the Board of Natural Resources to establish a flat rate of return to the forest development account of twenty-five percent of any moneys derived from DNR transfer land leases and resource sales.

Settlement proceeds from timber sale litigation are properly distributed to the forest development account pursuant to RCW 76.12.030(12).

Requested by:

Honorable Brian Boyle
Commissioner of Public Lands
Department of Natural Resources
Olympia, Washington 98504

WSR 87-08-025 ADOPTED RULES PUBLIC DISCLOSURE COMMISSION [Order 87-02—Filed March 25, 1987]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, 711 Capitol Way, Olympia, WA 98504, that it does adopt the annexed rules relating to registration during last calendar quarter of the biennial registration period, new WAC 390-20-014.

This action is taken pursuant to Notice No. WSR 87-05-041 filed with the code reviser on February 18, 1987. 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 24, 1987.

By Graham E. Johnson
Executive Director

NEW SECTION

WAC 390-20-014 REGISTRATION DURING LAST CALENDAR QUARTER OF THE BIENNIAL REGISTRATION PERIOD. (1) A lobbyist who registers during the last calendar quarter of an even-numbered year may request in writing that the registration be valid until the second Monday of January three years hence.

(2) The lobbyist will be required to file monthly expense reports (PDC form L-2) for each month in which he/she is registered.

(3) The lobbyist employer shall file the employer's report (PDC form L-3) for each calendar year or portion thereof in which a lobbyist is registered.

WSR 87-08-026

ADOPTED RULES

SEATTLE COMMUNITY COLLEGE DISTRICT

[Order 49, Resolution No. 1987-6—Filed March 26, 1987]

Be it resolved by the board of trustees of Seattle Community College District VI, acting at 6000 16th Avenue S.W., Seattle, WA 98106, that it does adopt the annexed rules relating to affirmative action program, chapter 132F-148 WAC.

This action is taken pursuant to Notice No. WSR 87-04-064 filed with the code reviser on February 4, 1987. 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 chapter 28B.50 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 17, 1987.

By Art Siegal
Chairman

Chapter 132F-148 WAC

AFFIRMATIVE ACTION PROGRAM

AMENDATORY SECTION (Amending Order 47, filed 6/19/85)

WAC 132F-148-010 POLICY STATEMENT. The policy of Seattle Community College District (SCCD) is to provide equal opportunity to all its employees and applicants for employment, and to assure that there is no discrimination against any persons on the grounds of race, ethnicity, creed, color, religion, ((handicap,)) national origin, age, gender, sexual orientation ((sex)), marital status, or the presence of any physical, sensory, or mental handicap, except where a disability may impede performance to an acceptable level. However, reasonable accommodations will be made for known physical or mental limitations for all otherwise qualified persons of disability ((in accordance with state and federal laws)). The Seattle Community College is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons between the ages of 40 and 70, persons of disability, and disabled and Vietnam-era veterans. This policy extends to all areas of employment and to all relations with employees including recruitment, selection and placement, compensation, promotion and transfer, disciplinary measures, demotions, layoffs and terminations, testing and training, daily working conditions, awards and benefits, and other terms and conditions of employment.

The importance of fulfilling this policy is given top priority consideration in the day-to-day operations of the SCCD. All employees have been, and will continue to be, made aware that any violations of this policy by an employee shall result in appropriate disciplinary action, including termination, if warranted.

Affirmative action is a priority in the district because it insures equal employment opportunities for all applicants, while also assisting in ways to hire underrepresented groups in the district's labor force.

The successful implementation of this policy will depend upon a cooperative spirit and commitment to achieve the goals set forth. The district will work with the district minority task forces and the greater Seattle communities in seeing that the SCCD Affirmative Action Plan/Program, which is updated annually and included in the appendices of this manual, is implemented in a responsible and conscientious manner.

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 47, filed 6/19/85)

WAC 132F-148-030 RESPONSIBILITY FOR PROGRAM IMPLEMENTATION. Responsibility for the implementation of the affirmative action program rests with the chancellor for the district as a whole and with the president of each campus.

(1) The chancellor's responsibilities are to:

(a) Review the SCCD affirmative action plan with each president as part of the performance evaluation process.

(b) Carry out the responsibilities for implementation of the affirmative action plan for the district office as described below for each president.

(2) The president's responsibilities are to:

(a) Insure that all campus administrators and supervisors are aware of the affirmative action policy and plan and take it into consideration in day-to-day operations.

(b) Insure that hiring and promotion patterns are monitored so that protected group members are given full consideration.

(c) Insure that facilities are comparable for both sexes and are accessible to handicapped persons.

(d) Insure that protected group members are afforded full opportunity and are encouraged to participate in college-sponsored education and training programs.

(e) Designate a specific individual to be responsible for the supervision and monitoring of affirmative action efforts in that organizational unit. These designates are: north campus - dean of students, central campus - ((affirmative action officer/)) director of graphics and media, south campus - executive assistant to the president.

(f) Insure adequate representation of protected group members on selection committees.

(3) The ((director of personnel/executive assistant to the chancellor)) vice-chancellor, human resources responsibilities are to:

(a) Design and implement audit and reporting systems that will: (i) measure the effectiveness of the program, (ii) indicate need for corrective action, and (iii) determine degree to which goals and objectives have been attained.

(b) Develop policies and procedures related to equal employment opportunity and affirmative action for review, approval, and action by the chancellor's cabinet and board of trustees.

(c) Serve as liaison between the district and compliance agencies, organizations for minority, women, Vietnam veterans, disabled veterans, handicapped persons, and with other such community and municipal action programs.

(d) Keep management informed of current developments in areas related to affirmative action and equal employment opportunity.

(e) Develop and maintain internal and external communication systems.

(f) Assist in the identification of problem areas.

(g) Ensure proper dissemination of information contained in the affirmative action plan to all employees, supervisors/managers and other interested parties.

AMENDATORY SECTION (Amending Order 47, filed 6/19/85)

WAC 132F-148-040 RECRUITMENT PLAN.

(1) Recruitment for minority, female, and handicapped applicants for SCCD employment is the primary responsibility of each campus and the district personnel department as indicated below:

(2) The district personnel department can assist campuses in the recruitment process by:

(a) Providing possible recruitment sources, and providing copies of the district mailing list;

(b) Contacting employment sources with which the SCCD affirmative action plan has a referral arrangement;

(c) Participating in campus recruitment efforts;

(d) Advertising in minority newspapers.

(e) Identify underutilization and target recruitment by personal contacts with individuals and agencies.

(f) Analyze recruitment effort and applicant flow to determine weak areas in the recruitment program.

WSR 87-08-027

ATTORNEY GENERAL OPINION

Cite as: AGO 1987 No. 11

[March 20, 1987]

COUNTIES—NONCHARTER—COMMISSIONERS—INCREASE IN NUMBER BY VOTER APPROVAL—UNIFORMITY—CONSTITUTIONALITY

A bill permitting the voters of noncharter counties with populations of 210,000 or more to increase the number of county commissioners from three to five is more likely than not unconstitutional.

Requested by:

Honorable Mary Margaret Haugen
State Representative, Tenth District
331 House Office Building
Olympia, Washington 98504

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

WSR 87-08-028

EMERGENCY RULES

BOARD OF PHARMACY

[Order 204—Filed March 26, 1987]

Be it resolved by the Board of Pharmacy, acting at Highline Community College, Des Moines, Washington, that it does adopt the annexed rules relating to rescheduling Alfentanil as a Schedule II controlled substance, new section WAC 360-36-409.

We, the Board of Pharmacy, 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 drug has recently been approved by the Federal Food and Drug Administration and Drug Enforcement Administration and should be available for legitimate medical use in the state of Washington without delay.

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

This rule is promulgated pursuant to RCW 69.50.201 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, 1987.

By Douglas W. Beeman
Chair

NEW SECTION

WAC 360-36-409 *RESCHEDULING ALFENTANIL TO SCHEDULE II. The board finds that Alfentanil has been classified as a Schedule II Controlled Substance by the Drug Enforcement Administration and that it now has a currently accepted medical use in treatment in the United States or currently accepted medical use with severe restrictions and that its abuse may lead to severe psychic or psychological dependence. Therefore, the board places Alfentanil in Schedule II; notwithstanding any other reference to Alfentanil in WAC 360-36-410 or RCW 69.50.204.*

WSR 87-08-029

PROPOSED RULES

HORSE RACING COMMISSION

[Filed March 26, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 260-70-010	Definitions applicable to chapter 260-70 WAC.
Amd	WAC 260-70-021	Medication standards.
Amd	WAC 260-70-025	Bleeder list.
Amd	WAC 260-70-026	Bleeder treatment.
Amd	WAC 260-70-050	Procedure for taking specimens.
Amd	WAC 260-70-090	Permitted medications.
Amd	WAC 260-70-100	Penalties for average of permitted medications.
Amd	WAC 260-70-120	Sampling medication and drugs.
Amd	WAC 260-70-170	Veterinarian report.
Amd	WAC 260-40-100	Performance records.
Amd	WAC 260-24-280	Stewards—Authority to award punishment.
Amd	WAC 260-36-040	Registration of personnel other than owners, trainers and jockeys—Fee.
Amd	WAC 260-44-080	Weighing out—Overweight—Declarations—Posting—Maximum;

that the agency will at 1:00 p.m., Tuesday, May 12, 1987, in Nendel's Motor Inn, 15900 West Valley Road, Tukwila, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

The specific statute these rules are intended to implement is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 5, 1987.

Dated: March 23, 1987

By: Will Bachofner
Executive Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 260-70-010, 260-70-021, 260-70-025, 260-70-026, 260-70-050, 260-70-090, 260-70-100, 260-70-120, 260-70-170, 260-40-100, 260-24-280, 260-36-040 and 260-44-080 relating to the rules of horse racing.

WAC 260-70-010 through 260-44-080 are proposed for amendment as indicated in the notice of intention to adopt rules filed this date with the code reviser.

The enactment of these rules is proposed pursuant to RCW 67.16.020 and 67.16.040 under the general rule-making authority of the Washington Horse Racing Commission.

The rules are proposed for the following reasons: To clarify some existing rules which contain some unnecessary ambiguity; to specify certain policy changes of the Racing Commission which ensure that they are promulgated in this way to all those [who] participate in racing in the state; and to implement certain procedural changes which ensure that there is uniformity in the handling of medication issues and related drug issues before the Racing Commission.

Will Bachofner, Executive Secretary, Suites B and C, 210 East Union Avenue, Olympia, Washington 98504, phone 753-3741, and members of the Racing Commission staff were responsible for the drafting of the amendments and are to be responsible for their implementation and enforcement.

The proponent of the amendments and enactments is the Washington Horse Racing Commission, Lyle Smith, Chairman.

The Washington Horse Racing Commission recommends the adoption of the amendments. They have been drafted with consideration for rules that have been adopted in other states in regard to the subject matter.

The rules are not in response to or the result of any particular state law, federal law or court decision.

This certifies that copies of this statement are on file with the Racing Commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and to the Chief Clerk of the House of Representatives.

Small Business Economic Impact Statement: The amendments and enactments listed above are not anticipated to affect more than 20 percent of all industries, nor more than 10 percent of any one industry as defined by section 2(3), chapter 6, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

WAC 260-70-010 DEFINITIONS APPLICABLE TO CHAPTER 260-70 WAC. As used in this chapter, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" means and includes any substance used to treat (~~(-cure, and)~~) or prevent disease, relieve pain, or improve (~~(or preserve)~~) health (~~(-including vitamins, food additives, minerals, and domestic remedies)~~) with the exception of prohibited drugs.

(2) "Prohibited drugs" means (a) any medication or metabolic derivatives thereof which is (~~(a)~~) an analgesic, including narcotics (~~(-)~~) or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, or bronchial dilators; or (b) any interfering substance, including, but not limited to high levels of thiamine and polyethylene glycol.

(3) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Approved nonsteroidal anti-inflammatory drug (NSAID)" includes and is limited to phenylbutazone (~~(- means phenylbutazone)~~), oxyphenbutazone, or their derivatives or metabolites thereof; flunixin, naproxen and meclofenamic acid used in the manner described in WAC 260-70-090.

(5) "Bleeder" means a horse which hemorrhages from (~~(the respiratory)~~) a nostril tract or into its trachea during a race or (~~(within one hour post race or)~~) during exercise or within one hour of (~~(such)~~) the race or exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission veterinarian.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-021 MEDICATION STANDARDS. (1) No horse shall have in its body any prohibited drug or interfering substance while participating in a race.

(2) No person shall administer, attempt to administer, or aid or abet in the administration of, any medication or drug to a horse on the day of a race in which the horse is entered at any time prior to the race except in accordance with this rule.

(3) Subject to the provisions of this rule, medication calculated to improve or protect the health of a horse may be administered to a horse in training.

(4) The administration of medication to any horse on race day, except as hereinafter provided, is prohibited. For the purpose of this rule, the day of the race shall be deemed to commence at 9:00 p.m. on the day preceding the race.

(5) (~~(Nutritional aids, administered orally only, will be permitted at any time.~~)

(~~(6))~~) Approved nonsteroidal anti-inflammatory drugs (NSAIDs) may be administered to a horse, but not on race day. No more than one of the NSAIDs may be used on or carried in a horse's body at any one time.

(~~(7))~~) (6) Notwithstanding any other provision of this rule, no two-year old horse shall carry in its body while participating in a race any medication, including medications defined in WAC 260-70-010 (1) through (4) and 260-70-090 (1) through (~~(5))~~) (4). (~~(Vitamins are permitted, however.)~~) The finding of any medication (~~(prohibited herein)~~) in a two-year old horse participating in a race shall disqualify the owner of such horse from participating in the purse distribution; and in addition the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.

(~~(8))~~) (7) In the case of delayed-release substances, the time of administration shall be deemed that time at which such medication, drug, or substance is released within the body of a horse.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-025 BLEEDER LIST. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils or is found to have bled internally (~~(-)~~) or is found to have bled into the trachea is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards, establish that the horse did in fact hemorrhage from one or both nostrils or that

an endoscopic examination in the test barn (~~(of the horse))~~ or receiving barn showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the horse from the list. The list is a state-wide list (~~(and)~~) that applies only at all race meetings at Longacres, Playfair, and Yakima Meadows and not at any other track.

Once a horse is placed on the bleeder list, the horse must be assigned to a prerace security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall must be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-026 BLEEDER TREATMENT. A horse on the bleeder list must be treated at least four hours prior to post time with (~~(bleeder medication, which may be furosemide)~~) (Lasix). No other medication is permitted for bleeder treatment unless or except as approved by the commission. Bleeder medication must be administered in the manner approved by the commission veterinarian, and (~~(furosemide)~~) (Lasix) by oral administration is NOT PERMITTED for such purposes. The bleeder medication shall be administered by the horse's regular veterinarian, and may be witnessed by the commission veterinarian or his designee.

AMENDATORY SECTION (Amending Order 78-1, filed 5/4/78)

WAC 260-70-050 PROCEDURE FOR TAKING SPECIMENS. All horses from which specimens are to be drawn are to be taken to the detention area at the prescribed time and remain there until released by the commission veterinarian. No person other than the owner, trainer, groom, or hotwalker of a horse to be tested, and no lead pony, shall be admitted to the detention area without permission of the commission veterinarian.

(a) During the taking of specimens from a horse, the owner or responsible trainer (who in the case of a claimed horse shall be the person in whose name such horse raced), or a stable representative designated by such owner or trainer, shall be present and witness the taking of such specimens and so signify in writing.

(b) Samples taken from a horse by the commission veterinarian or his assistant shall be placed in a container and sealed together with a (~~(double))~~ triple identification tag. One portion of such tag bearing a printed identification number shall remain with the sealed container; the other portion of such tag bearing the same printed identification number shall be detached in the presence of the witness and the commission veterinarian shall thereon identify the horse from which such specimen was taken, as well as the race and day, verified by such witness, and such detached portion of identification tag shall be kept by the commission veterinarian for delivery only to the stewards and/or the racing commission. The commission veterinarian shall take every precaution to insure that the commission chemist and no member of the laboratory staff shall know the identity of the horse from which the specimen has been taken prior to the completion of all testing thereon.

(c)(1) If, after a horse remains a reasonable time in the detention area and a specimen may not be taken from such a horse, the commission veterinarian may permit such horse to be returned to its barn in usual surroundings for the taking of the specimen under the supervision of the commission veterinarian.

(2) With the consent of the trainer or attendant the commission veterinarian may administer to the horse a diuretic to facilitate urination. Quantity, identity, and time of administration shall be noted on both portions of the specimen tag by the commission veterinarian.

(d) The commission veterinarian shall be responsible for safeguarding all specimens while in his possession and shall cause such specimens to be delivered only to the chief chemist as soon as possible after sealing, but in such order or in such manner as not to reveal the identity of any horse from which each sample was taken.

(e) All specimens taken by or under the supervision of the commission veterinarian or other authorized representative of the commission shall be delivered to the chief chemist at the laboratory of the commission for official analysis.

(f) Notwithstanding the provisions of these rules requiring certain functions to be performed by the commission veterinarian, he may delegate any of such duties to an authorized representative or representatives, approved by the commission, so long as such delegation is not of a duty which would under the appropriate statutes be defined as the practice of veterinary medicine.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-090 PERMITTED ((MEDICATION)) LEVEL OF APPROVED NSAIDS. ((Horses)) Trainers using permitted medication in the care of their horses are subject to all rules governing such medications ((plus)). Those using approved NSAIDS are also subject to these additional rules:

(1) PHENYLBUTAZONE ((and OXYPHENYLBUTAZONE)) shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites and analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites and analogs per milliliter of urine.

(2) NAPROXEN shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites or analogs per milliliter of urine.

(3) FLUNIXIN shall be administered in such dosage amount that the test sample shall not contain more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(4) MECLOFENAMIC ACID shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(5) No horse on a program of permitted medication shall be permitted to race without such medication ((unless authorized to do so by the stewards or their representative)).

AMENDATORY SECTION (Amending Order 85-02, filed 6/5/85)

WAC 260-70-100 PENALTIES RELATING TO ((OVERAGE OF)) PERMITTED MEDICATION. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of ((phenylbutazone)) one NSAID in excess of the quantities authorized by WAC 260-70-090, or, the presence of ((furosemide)) (Lasix) without permission from the commission veterinarian, or if a horse is on a program of permitted medication and was raced without the medication, the stewards or commission shall levy the following penalties against each person found responsible:

(1) For a first offense within any calendar year, a fine of \$300;

(2) The second offense, within any calendar year, \$750;

(3) For a third offense, within any calendar year, a fine of \$750 with a sixty-day suspension.

If any NSAID or other permitted medication is found in the body of a horse which alone or in combination with a second medication is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule. The finding of any diuretic, including (Lasix ((furosemide))), in the body of a horse shall constitute the presence of an interfering substance and the penalties for use of a prohibited drug or medication shall apply, unless the horse is on the official commission bleeder list.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74, effective 7/1/74)

WAC 260-70-120 SAMPLING MEDICATIONS AND DRUGS. The state veterinarian, the test barn veterinarian, any duly authorized inspector of the commission, or any member of the board of

stewards may take samples of any medicine or other materials suspected of containing improper medication or drugs which would affect the racing condition of a horse in a race, which may be found in stables or elsewhere on race tracks or in the possession of such tracks or any person connected with racing on the grounds of an association and the same shall be delivered to the chief chemist of the commission for analysis under the same conditions as in this article prescribed for analysis of ((sativa)) blood and urine.

AMENDATORY SECTION (Amending Order 79-03, filed 5/7/80)

WAC 260-70-170 VETERINARIAN REPORT. Every veterinarian who treats a horse upon the approved grounds shall, in writing on a form prescribed by the commission, report to the commission veterinarian in a manner and at a time prescribed by him/her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the commission veterinarian. Detection of any unreported medication, drug, or substance; or failure to detect any permitted medication, drug or substance by the chief chemist in a test may be grounds for disciplinary action. A list of horses on a program of permitted medication shall be kept in the office of the commission and shall be available for public inspection.

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

WAC 260-40-100 PERFORMANCE RECORDS. (1) A horse which during the past calendar year, has started in a race which is not reported in the daily racing form monthly chart book shall not be entered at a Washington track unless and until the owner shall have furnished to the racing secretary, at least forty-eight hours prior to such entry, performance records as hereinafter designated. Such performance records shall show where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.

(2) In a maiden race, a horse which at any time, has started in a race which is not reported in daily racing form monthly chart book shall not be entered at a Washington track unless and until the owners shall have furnished to the racing secretary at least forty-eight hours prior to such entry, complete performance records hereinafter designated. Such performance of said horse; where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.

(3) No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the stewards.

(4) If the net value to the winner of a race run in the state of Washington is nine hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at Longacres, if the net value to the winner of a race in the state of Washington is five hundred fifty dollars, or less, said winnings shall not be counted in considering eligibility of horses running at Playfair and if the net value to the winner of a race run in the state of Washington is four hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at ((Playfair and)) Yakima Meadows; however, the maiden allowance shall be lost by the winning of any race at a track whose complete official results are carried in the daily racing form, morning telegraph, quarter running horse chart book or appaloosa horse club charts. Furthermore, for any race to count against a horse's eligibility at Longacres, Playfair or Yakima Meadows the complete results of that race must be carried in the daily racing form, morning telegraph, quarter running horse chart book or appaloosa horse club charts.

All wins, regardless of the net value to the winner, shall be considered in eligibility requirements in all races, including maiden races at all tracks other than at a track whose complete official results are carried in the daily racing form, morning telegraph, quarter running horse chart book, or appaloosa horse club charts.

AMENDATORY SECTION (Amending Order 81-01, filed 3/24/81)

WAC 260-24-280 STEWARDS—AUTHORITY TO AWARD PUNISHMENT. The stewards have the power to punish at their discretion any person subject to their control either by suspension of the privilege of attending the races during the meeting; or by suspension from acting or riding during the meeting; or by fine not exceeding

~~((~~\$400.00~~))~~ \$750.00; or both, and if in their discretion they deem it necessary they may impose a suspension up to thirty days beyond the meet; for any further punishment or additional fine, they shall so report to the commission. Persons subject to these rules are deemed to come within the control of the board of stewards assigned to a meet beginning on the day an association accepts entries for the first day of racing of that meet.

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

WAC 260-36-040 REGISTRATION OF PERSONNEL OTHER THAN OWNERS, TRAINERS AND JOCKEYS—FEE. (1) Any person acting in an official capacity or any person employed on a race track other than a groom or concession employee shall be licensed by the Washington horse racing commission for three years and the fee shall be \$15.00.

(2) All grooms and concession employees shall be licensed by the Washington horse racing commission for one year and the fee shall be \$5.00.

(3) Any person who serves as a volunteer and is not an owner, trainer, or jockey shall be licensed by the Washington horse racing commission for one year and the fee shall be \$5.00.

(4) All employees of the Washington horse racing commission shall be exempt from any license fees but shall be issued a photo identification badge which shall be displayed in the same manner as all other licensees while in the performance of their duties at the track.

AMENDATORY SECTION (Amending Order 75-1, filed 2/18/75)

WAC 260-44-080 WEIGHING OUT—OVERWEIGHT—DECLARATIONS—POSTING—MAXIMUM. (1) If a jockey intends to carry overweight, he must declare the amount thereof at the time of weighing out, or if in doubt as to his proper weight, he may declare the weight he will carry.

(2) If a jockey intends to carry overweight exceeding by more than two pounds the weight which his horse is to carry, the owner or trainer consenting, he must declare the amount of overweight to the clerk of the scales at least forty-five minutes before the time appointed for the race, and the clerk shall cause the overweight to be stated on the notice board immediately. Failure on the part of a jockey to comply with this rule shall be reported to the stewards.

(3) No horse shall carry more than seven pounds overweight.

(4) However, at nonprofit race tracks, horses may carry more than seven pounds overweight with the permission of the stewards up to a maximum weight of one hundred thirty-five pounds, except handicaps and races where the conditions expressly state to the contrary.

WSR 87-08-030

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1919—Filed March 26, 1987]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to miscellaneous agricultural commodity inspection standards, chapter 16-213 WAC.

This action is taken pursuant to Notice No. WSR 87-05-036 filed with the code reviser on February 18, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 26, 1987.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-213-260 DEFINITIONS. (1) "Cracked corn" is a byproduct of the elevating, transporting, or cleaning of corn. Cracked corn is the entire corn kernel, broken, ground, or fractured. Cracked corn may contain incidental whole kernels of corn. Cracked corn may be "yellow" or "white" if one color constitutes ninety percent or more of the mixture. Cracked corn may not contain more than four percent of admixture (foreign material).

(2) "Corn screenings" is a byproduct of the elevating, transporting, or cleaning of corn. Corn screenings is the entire corn kernel, broken, ground, or fractured. Corn screenings may contain incidental whole kernels of corn. Corn screenings must consist of seventy percent or more of corn, whole and broken, and may contain not more than thirty percent of admixture.

(3) "Mixed grain screenings" is a byproduct of the elevating, transporting, or cleaning of grain. Grain screenings is the entire grain kernel, broken, ground, or fractured. Mixed grain screenings may contain incidental whole kernels of grain. Mixed grain screenings must consist of seventy percent or more of whole, light, and broken kernels of wheat, barley, oats, corn, rye, flaxseed, sorghum, triticale, soybeans, or wild oats in combination. Mixed grain screenings may contain not more than thirty percent of other foreign material.

(4) "Admixture" in cracked corn or corn screenings means foreign material and standardized grains other than corn.

(5) "Other foreign material" in mixed grain screenings means material other than standardized grains under the United States Grain Standards Act and wild oats.

(6) "Test weight per bushel" means the weight per winchester bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(7) "Moisture" means a percentage ascertained by the air oven method or by any device and method which gives equivalent results.

NEW SECTION

WAC 16-213-270 PROCEDURES. (1) The determination of cracked corn, yellow or white in cracked corn, corn screenings or mixed grain screenings shall be made on a representative portion of approximately thirty grams cut from the representative sample.

(a) In the case of cracked corn and corn screenings, the percentage of admixture shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(b) In the case of mixed grain screenings, the percentage of other foreign material shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(2) The determination for moisture shall be made on a representative portion of the sample of exactly two hundred fifty grams cut from the work sample. The percentage of moisture is determined by using the motomco moisture meter or other device that yields equivalent results. The percentage of moisture shall be recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(3) The determination of test weight per bushel shall be made on a representative portion of the sample ranging in size from one and one-eighth to one and one-fourth quarts. The test weight per bushel shall be recorded on the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(4) The examination of shiplots and combined lots of cracked corn, corn screenings and mixed grain screenings.

(a) When examining a shiplot or combined lot of cracked corn, corn screenings or mixed grain screenings, an individual subplot sample may exceed the limit for admixture in cracked corn and corn screenings and the limit of other foreign material in mixed grain screenings by up to two percent provided that:

(i) The weighted or mathematical average for the lot as a whole is within the prescribed limits of the applicable definition; and

(ii) The preponderance of the lot by weight meets the applicable definition.

(b) The certificate for a lot must show the following:

(i) The term cracked corn, corn screenings or mixed grain screenings.

(ii) The approximate weight of the lot.

(iii) In the case of cracked corn or corn screenings, the percentage of admixture.

(iv) In the case of mixed grain screenings, the percentage of other foreign material.

(v) The presence of sour, musty, or commercially objectionable foreign odors, an unknown foreign substance, live weevils or other live insects injurious to stored grain, glass, rodent pellets or the presence of other factors likely to adversely affect the quality of the cracked corn, corn screenings, or mixed grain screenings shall be noted in remarks on the certificate.

(c) At the request of the applicant, the certificate for a lot may show the following:

(i) In the case of cracked corn, the terms yellow or white.

(ii) The percentage of moisture.

(iii) The test weight per bushel.

(iv) In remarks, "we certify that cracked corn (or corn screenings) is not residue or waste from food industries. It is corn cracked during transportation or handling."

WSR 87-08-031

ADOPTED RULES

BOARD OF PHARMACY

[Order 205—Filed March 27, 1987]

Be it resolved by the Board of Pharmacy, acting at Olympia, Washington, that it does adopt the annexed rules relating to pharmacy inspections; poison control; and repeal of WAC 360-16-240.

This action is taken pursuant to Notice No. WSR 87-05-063 filed with the code reviser on February 18, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.64.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 25, 1987.

By Douglas W. Beeman
Chair

NEW SECTION

WAC 360-16-235 PHARMACY INSPECTIONS.

(1) All pharmacies shall be subject to periodic inspections to determine compliance with the laws regulating the practice of pharmacy.

(2) Each inspected pharmacy shall receive a classification rating which will depend upon the extent of that pharmacy's compliance with the inspection standards.

(3) There shall be three rating classifications:

(a) "Class A" - for inspection scores of 90 to 100;

(b) "Conditional" - for inspection scores of 80 to 89; and,

(c) "Unsatisfactory" - for inspection scores below 80.

(4) Any pharmacy receiving a conditional rating shall have sixty days to raise its inspection score rating to 90 or better. If upon reinspection after sixty days, the pharmacy fails to receive a rating of 90 or better, then the pharmacy will be subject to disciplinary action.

(5) Any pharmacy receiving an unsatisfactory rating shall have fourteen days to raise its inspection score rating to 90 or better. If upon reinspection after fourteen days, the pharmacy fails to receive a rating of 90 or better, then the pharmacy will be subject to disciplinary action.

(6) The certificate of inspection must be posted in conspicuous view of the general public and shall not be removed or defaced.

(7) Noncompliance with the provisions of chapter RCW 18.64A (Pharmacy Assistants) and, Title 360-52 WAC (Pharmacy Assistants) resulting in a deduction of at least five points shall result in an automatic unsatisfactory rating regardless of the total point score.

(8) Pharmacies receiving an unsatisfactory rating which represent a clear and present danger to the public

health, safety and welfare will be subject to summary suspension of the pharmacy license.

AMENDATORY SECTION (Amending Order 120, filed 3/11/74)

WAC 360-16-245 POISON CONTROL. (1) The telephone number of the nearest poison control center shall be readily available.

(2) Each pharmacy shall maintain at least one ounce bottle of Ipecac syrup in stock at all times.

REPEALER

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

WAC 360-16-240 GENERAL.

WSR 87-08-032
ADOPTED RULES
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Order 87-1—Filed March 27, 1987]

Be it resolved by the Interagency Committee for Outdoor Recreation, acting at the Tye Motor Inn, 500 Tye Drive, Olympia, WA, that it does adopt the annexed rules relating to applications deadlines, WAC 286-16-035, to reduce submittal deadlines for applications for all local agencies' traditional grant-in-aid projects (acquisition, development, redevelopment, renovation) to four months prior to a scheduled funding meeting of the IAC.

This action is taken pursuant to Notice No. WSR 87-05-026 filed with the code reviser on February 17, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Interagency Committee for Outdoor Recreation as authorized in chapter 43.99 RCW.

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

APPROVED AND ADOPTED March 26, 1987.

By Anne B. Cox
 Chair

AMENDATORY SECTION (Amending Order IAC 82-1, filed 12/8/82)

WAC 286-16-035 APPLICATIONS—DEADLINES. (1) ~~((Acquisition project applications from local agencies must be submitted to the interagency committee at least five months prior to a scheduled funding meeting to be considered at that meeting. Development))~~ All project applications from local agencies must be

submitted at least ~~((six))~~ four months prior to a scheduled funding meeting to be considered at that meeting. Project applications from local agencies that are not completed in the manner required by these rules and the participation manuals will not be considered by the interagency committee unless all of the required material is on file with the interagency committee at least 30 days preceding a funding meeting at which the projects are to be considered for funding.

(2) These deadlines must be complied with unless an agency requests and is granted a waiver by the director.

WSR 87-08-033
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 87-20—Filed March 27, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to aquaculture disease control.

This action is taken pursuant to Notice No. WSR 87-04-071 filed with the code reviser on February 4, 1987. 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 75.58.010 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 17, 1987.

By Judith Merchant
 for Joseph R. Blum
 Director

Chapter 220-77 WAC
AQUACULTURE DISEASE CONTROL

WAC	
220-77-010	Intent.
220-77-020	Definitions—Aquaculture disease control.
220-77-030	Finfish aquaculture disease control.
220-77-040	Shellfish aquaculture disease control.
220-77-050	Amphibian aquaculture disease control.
220-77-060	Marine plant aquaculture disease control.
220-77-070	Aquaculture disease control—Emergency provisions.

NEW SECTION

WAC 220-77-010 INTENT. The intent of this chapter is to establish rules to protect the aquaculture industry and wild stock fisheries from a loss of productivity due to aquatic diseases or maladies. These rules

will identify the conditions that will be required for transfer and importation of live aquaculture products and the circumstances when action will be taken to control disease. These rules have been developed jointly by the department and the department of agriculture.

NEW SECTION

WAC 220-77-020 DEFINITIONS—AQUACULTURE DISEASE CONTROL. For purposes of this chapter, the following definitions apply:

(1) "Aquaculture products" are defined as private sector cultured aquatic products propagated, farmed, or cultivated on aquatic farms under the supervision and management of an aquatic farmer, or such products naturally set on lands under the active supervision and management of an aquatic farmer.

(2) "Disease" is defined as infection, contagious disease, parasite, or pest, occurring on or within the aquaculture product or on or within the water and substrate associated with the aquaculture product, or an occurrence of significant mortality suspected of being of an infectious or contagious nature.

(3) "Finfish" is defined as live fish, fish eggs, or fish gametes, but not to include aquaria species commonly sold in the pet store trade when raised in indoor containers, indigenous marine baitfish, or mosquito fish.

(4) "Shellfish" is defined as all members of the phyla mollusca, arthropoda, and echinodermata.

(5) "Epizootic" is defined as the occurrence of a specific disease which can be detected in fifty percent of the mortality or moribund individual fish in an affected container, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any thirty-day period.

(6) "Marine plant" is defined as nonvascular plants belonging to the phyla Chlorophyta, Phaeophyta, or Rhodophyta and vascular plants belonging to the family Zosteraceae when growing in marine or estuarine waters, and includes the seeds, spores, or any life-history phase of the plants. "Marine plants" do not include aquaria plants or phytoplankton.

(7) "Working day" is defined as any day other than Saturday, Sunday, or a Washington state holiday.

(8) "Department" is defined as the department of fisheries.

(9) "Quarantine" is defined as isolation of the organism in a department approved facility.

(10) "Pest" is defined as parasite, parasitoid, predator, or fouling agent.

NEW SECTION

WAC 220-77-030 FINFISH AQUACULTURE DISEASE CONTROL. (1) It is unlawful for any person to import into or transport within the state of Washington finfish aquaculture products without first having obtained a permit to do so issued by the department. A copy of the permit shall accompany the finfish aquaculture products at all times within the state of Washington, and must be presented upon request to department employees.

(2) The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native finfish from disease when the director concludes that there is a reasonable risk of disease transmission associated with the finfish aquaculture products.

(3) Upon confirmed diagnosis of viral hemorrhagic septicemia, or confirmed diagnosis of whirling disease, infectious hematopoietic necrosis, or infectious pancreatic necrosis in a previously uninfected lot, the department must be notified by the end of the following working day after diagnosis by an accredited pathologist.

(4) The director will issue, upon request, a pamphlet containing policy guidelines for importers and transferors of finfish aquaculture products.

(5) The director will issue or deny a permit within thirty days after a completed application containing all requested information is received by the department.

(6) Violation of these rules or the conditions of the permit may result in the suspension or revocation of the permit.

(7) In the event of denial, suspension, or revocation of an importation or transfer permit, the affected person may appeal the decision to the director. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW.) A suspended or revoked permit will remain suspended or revoked during the appellate process.

NEW SECTION

WAC 220-77-040 SHELLFISH AQUACULTURE DISEASE CONTROL. (1) It is unlawful for any person to import into or transport within the state of Washington shellfish aquaculture products for planting in Washington waters, without first having obtained a permit to do so issued by the department. A copy of the permit shall accompany the shellfish aquaculture products at all times within the state of Washington, and must be presented upon request to department employees. Possession of an oyster transfer permit issued under RCW 74.24.110 will meet the requirements of this subsection.

(2) The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native shellfish from disease when the director concludes that there is a reasonable risk of disease transmission associated with the shellfish aquaculture products.

(3) For established species and established routes of commerce, the department will issue import and transfer permits if the following criteria are met:

(a) A regular pattern of importation with no more than a one-year time lapse between importations.

(b) Documentation of recent mortality and disease history of the shellfish aquaculture product in the area of origin showing a lack of significant mortality.

(c) Verification that there has been no introduction of diseased stocks into the area of origin.

(d) Documentation that the shellfish aquaculture product proposed for import is from the approved area.

(4) For established species not from established routes of commerce, the department will additionally require

the following before deciding whether to issue an import or transfer permit:

(a) Documentation of mortality and disease of the shellfish aquaculture product for the past ten years from the area of origin, together with similar information for closely related species, if deemed necessary.

(b) A history of those diseases in the area of origin that may affect aquaculture products or native fauna and flora.

(c) When applicable, documentation of an agreement with the appropriate governmental agency with management responsibility in the area of origin.

(5) For nonestablished species, the department will additionally consider the following criteria, which will require the importer to provide a detailed life history and comply with the requirements of SEPA:

(a) The capability of the receiving facility to hold the shellfish aquaculture product in quarantine.

(b) The ability of the shellfish aquaculture product to naturally reproduce or interbreed with endemic species in state waters.

(c) The ability of the shellfish aquaculture product to compete with or prey upon endemic species.

(6) For purposes of verification of the disease-free status of shellfish aquaculture products in subsections (3), (4), and (5) of this section, the department may require sufficient samples for histological evaluation either prior to or after subjecting the shellfish aquaculture products to stress tests to detect latent disease conditions. In the event of failure to obtain permit approval, consideration will be given to introduction after hatchery production of a second generation stock.

(7) Violation of these rules or the conditions of the permit may result in the suspension or revocation of the permit.

(8) In the event of denial, suspension, or revocation of an importation or transfer permit, the affected person may appeal the decision to the director. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW.) A suspended or revoked permit will remain suspended or revoked during the appellate process.

NEW SECTION

WAC 220-77-050 AMPHIBIAN AQUACULTURE DISEASE CONTROL. (1) It is unlawful to import into the state of Washington amphibian aquaculture products without having first obtained a permit to do so issued by the director.

(2) It is unlawful to possess African clawed frogs for aquaculture.

NEW SECTION

WAC 220-77-060 MARINE PLANT AQUACULTURE DISEASE CONTROL. (1) It is unlawful for any person to import into the state of Washington marine plant aquaculture products without having first obtained a permit to do so issued by the department. A copy of the permit shall accompany the imported marine plant aquaculture products at all times until the initial

point of entry into the marine environment, and must be presented upon request to department employees.

(2) The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native marine plants from disease or pests when the director concludes there is a reasonable risk of disease or pest transmission associated with marine plant aquaculture products.

(3) For *Porphyra yezoensis* and *P. tenera*, the director will issue import and transfer permits if the plants are in the form of:

(a) Unialgal conchocelis culture of free living material; or

(b) Conchocelis-phase culture in shells after the shells and conchocelis have been washed and soaked in fresh water for at least twenty-four hours; or

(c) Blade phase on netting after two weeks at a temperature of minus twenty degrees centigrade or lower.

(4) For import of other species, the department will consider at least the following criteria, which may require the importer to provide a detailed life history and comply with the requirements of SEPA:

(a) The ability of the marine plant aquaculture product to naturally reproduce or interbreed with existing species in state waters.

(b) The ability of the marine plant aquaculture product to compete with existing species.

(5) Importation of marine plant aquaculture products for scientific study in a laboratory or under other controlled conditions is allowed without having obtained a permit when measures are taken to prevent release of the products or release of their gametes, spores, or tissue fragments into state waters. The director may inspect facilities to ensure appropriate control measures.

(6) For purposes of verification of the disease-free status of the marine plant aquaculture product in subsections (3), (4), and (5) of this section, the department may require sufficient samples for evaluation. In event of failure to obtain permit approval, consideration will be given to introduction after laboratory production of a second generation.

(7) It is unlawful to transfer marine plant aquaculture products between any of the following geographic areas without having first obtained a transfer permit: Columbia River; Pacific Ocean waters; Willapa Harbor; Grays Harbor; Puget Sound. No transfer permit is necessary for transfer within any of the geographic regions described above. When required, a copy of the transfer permit shall accompany the marine plant aquaculture products at all times until the products are reintroduced into state waters, and the transfer permit must be presented upon request to department employees.

(8) Violation of these rules, or the condition of any permit may result in suspension or revocation of the permit.

(9) In the event of denial, suspension, or revocation of an importation or transfer permit, the affected person may appeal the decision to the director. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW.) A suspended or revoked permit will remain suspended or revoked during the appellate process.

NEW SECTION

WAC 220-77-070 AQUACULTURE DISEASE CONTROL—EMERGENCY PROVISIONS. (1) The director may take the following emergency enforcement actions when evidence indicates these actions are necessary to protect aquaculture products and native stocks from disease or severe mortality from an unexplained source:

- (a) Deny issuance of an import or transfer permit.
- (b) Quarantine the aquaculture products.
- (c) Confiscate or order the destruction of the aquaculture products.
- (d) Require removal of the aquaculture product from state waters.

(2) Confiscation or destruction will be ordered without a hearing if confirmed diagnosis by an accredited pathologist is made that finfish aquaculture products are infected with the causative agent of viral hemorrhagic septicemia (Egtved virus.)

(3) For finfish, shellfish, amphibian, and marine plant aquaculture products:

(a) Isolation may be ordered without a hearing when aquaculture products are transferred without appropriate inspections or permits or transferred in violation of the conditions of a permit.

(b) Isolation may be ordered without a hearing when evidence demonstrates that aquaculture products, previously imported, may introduce a disease not known to occur in Washington.

(4) For finfish aquaculture products, an epizootic of whirling disease, infectious hematopoietic necrosis or infectious pancreatic necrosis may result in quarantine, confiscation, or destruction, subject to the aquatic farmer's right to an emergency departmental hearing, if confiscation or destruction are ordered.

(5) For shellfish aquaculture products, an outbreak of serious mortality in which contagious disease is suspected may result in quarantine or require removal of the suspected diseased shellfish aquaculture products from state waters, subject to the aquatic farmer's right to an emergency departmental hearing, if removal from state waters is ordered.

(6) When there is evidence that continued presence of aquaculture products in state waters may cause disease that would harm other aquaculture products or native fauna or flora, the director may order quarantine, confiscation, destruction, or removal from state waters. Except as provided for in subsections (2) and (3) of this section, the aquatic farmer has a right to a departmental hearing. In the event the director has ordered emergency action of confiscation, destruction, or removal from state waters, the director shall give notice to the affected aquatic farmer. At the time of notice of emergency action, the affected aquatic farmer may request an emergency departmental hearing. If requested, the hearing will take place no later than the third working day after notice is received by the aquatic farmer. The hearing will be presided over by a hearing officer appointed by the director, who will consider the severity of the disease outbreak, remedies, and alternate courses of action. The

hearing officer shall present a recommendation to the director. The director will then review the emergency action and, if appropriate, order confiscation, destruction, or removal from state waters. If so ordered, the emergency action will take place no sooner than forty-eight hours after the order. If no request for an emergency departmental hearing is received, the emergency action of confiscation, destruction, or removal from state waters, may take place immediately after the third working day after the notice is received by the aquatic farmer.

(7) If the department refuses to issue an import or transfer permit, or orders quarantine or isolation of aquaculture products, the aquatic farmer has a right to a hearing under the Administrative Procedure Act (chapter 34.04 RCW.)

WSR 87-08-034**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 87-21—Filed March 27, 1987]

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

I, Joseph R. Blum, 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 sea urchins are available, and this boundary adjustment will allow repopulation of the affected area before the next harvest cycle occurs in 1989.

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, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-16-38500A SEA URCHIN DISTRICTS. *Notwithstanding the provisions of WAC 220-16-385, effective immediately until further notice the boundary between Sea Urchin Areas 2 and 3 is defined as a line projected due north through the lead markers one-half nautical mile west of the mouth of West Twin River.*

WSR 87-08-035
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
[Filed March 30, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State University intends to adopt, amend, or repeal rules concerning motorcycles, mopeds, and bicycles, WAC 504-17-090;

that the institution will at 4:00 p.m., Wednesday, May 6, 1987, in the Safety Building Conference Room, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 8, 1987.

The authority under which these rules are proposed is RCW 28B.10.560.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before 5:00 p.m., May 6, 1987.

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

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

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

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

John Shaheen
Safety Building
Washington State University
Pullman, WA 99164
(509) 335-9666

Dated: March 27, 1987
By: John Shaheen
Manager, Parking Services

STATEMENT OF PURPOSE

Title of Rule: Amendatory section WAC 504-17-090, Motorcycles, mopeds, and bicycles.

Statutory Authority: RCW 28B.10.560.

Purpose of Rule: The increasing use of mopeds on the campus has resulted in need to provide special parking for them in parts of the campus. This rule attempts to provide for fair access to parking for bicycles, mopeds and motorcycles.

Summary of Rule: The rule provides that mopeds may be parked in designated moped areas, in bicycle racks unless the rack is restricted or in a motorcycle parking area if the moped displays a WSU motorcycle parking

permit. Mopeds need not display a permit if they are parked in an unrestricted bicycle rack or a moped parking area. Motorcycles should be parked in motorcycle parking areas and should display a parking permit.

Reasons Which Support Proposed Action: Because of the number of mopeds in use on the campus, parking rules specifically applicable to mopeds were necessary. Special moped parking areas are created so that bicycle racks and motorcycle areas are not overloaded. Mopeds are kept out of bicycle racks in congested areas to provide better pedestrian traffic flow and safety.

Name of Person Proposing Rule: John Shaheen, Manager of Parking Services, Safety Division, Washington State University.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Shaheen, Safety Building, Washington State University, Pullman, WA 99164, phone (509) 335-9684.

These rules are not proposed as a result of a change in the law.

Agency Comments: None.

AMENDATORY SECTION (Amending Order 86-1, filed 9/10/86)

WAC 504-17-090 MOTORCYCLES, MOPEDS AND BICYCLES ((AND MOPEDS)). (1) GENERAL REGULATIONS: The general traffic regulations applicable to motor vehicles apply ((with equal force)) equally to motorcycles, mopeds and bicycles ((and mopeds)). Motorcycles or mopeds may not be driven on sidewalks or in the mall area. Bicycles may be used on sidewalks, though pedestrians always have the right of way. ((Mopeds may not be ridden on sidewalks or in the mall area while the moped is operating under motorized power.))

(2) DEFINITIONS AND RESTRICTIONS. The University classifies mopeds((,)) and motorcycles ((and motorized vehicles)) by engine displacement (also referred to as engine size). This definition applies only to parking at the University and does not replace or supersede the definitions established by the State of Washington for licensing and traffic purposes.

(a) Mopeds: The University defines a moped as any two- or three-wheeled vehicle with an engine displacement of 50 cc or less. ((All other two- or three-wheel vehicles are defined as motorcycles. Mopeds can be parked within the confines of a bicycle rack or designated moped area without display of a WSU motorcycle parking permit. They can also be parked in motorcycle areas if they display a valid WSU motorcycle parking permit.)) Mopeds may park only in the following locations:

(i) A designated moped parking area.
(ii) A bicycle rack unless the rack is signed to exclude mopeds. Generally, mopeds may not park in bicycle racks within or adjacent to pedestrian malls. In these areas, mopeds should be parked in designated moped parking areas.

(iii) Motorcycle areas if they display, in a conspicuous place, a valid WSU motorcycle parking permit during restricted hours. See WAC 504-17-120(1).

Mopeds need not display a WSU parking permit if parked within the confines of an approved bicycle rack or designated moped parking area.

(b) Motorcycles: The University defines a motorcycle as any two- or three-wheeled vehicle with an engine displacement greater than 50 cc. Motorcycles may park only in spaces which are marked by signs or the letter "M" painted on the parking surface. Motorcycles must display a valid WSU motorcycle permit during restricted hours. See WAC 504-17-120(1).

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 87-08-036

NOTICE OF PUBLIC MEETINGS
SEATTLE-KING COUNTY
DEPARTMENT OF PUBLIC HEALTH
(Redmond, Issaquah, and South King County
Ground Water Advisory Committees)

[Memorandum—March 26, 1987]

Redmond Ground Water Advisory Committee

The committee shall meet regularly on the second Monday of each month beginning at 6:30 p.m. at the Redmond City Council Chambers or any other location as notified in the agenda for the next meeting.

Issaquah Ground Water Advisory Committee

The committee shall meet regularly on the first Thursday of each month beginning at 4:00 p.m. at the Issaquah Public Library or other location as noted in the agenda for the next meeting.

South King County Ground Water Advisory Committee

The committee shall meet regularly on the 2nd Wednesday of each month, beginning at 7:30 p.m., at the Offices of the Federal Way Water and Sewer District, unless another location is designated in the agenda mailed out prior the [to] the next meeting.

WSR 87-08-037

ADOPTED RULES
HOSPITAL COMMISSION

[Order 87-02, Resolution No. 87-02—Filed March 30, 1987]

Be it resolved by the Washington State Hospital Commission, acting at the Vance Airport Inn, Seattle, Washington, that it does adopt the annexed rules relating to rules for reporting hospital patient discharge information, amending chapter 261-50 WAC.

This action is taken pursuant to Notice No. WSR 87-05-007 filed with the code reviser on February 9, 1987. 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 70.39 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 26, 1987.

By Maurice A. Click
Executive Director

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 87-01, filed 1/22/87 [1/23/87])

WAC 261-50-030 REPORTING OF UB-82 DATA SET INFORMATION. (1) Effective with all

hospital patient discharges on or after July 1, 1984, hospitals shall collect and report the following UB-82 data set elements to the commission:

(a) Patient Control Number

Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records and posting of payments. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification.

(b) Type of Bill

This three-digit code requires 1 digit each, in the following sequence form: Type of facility, bill classification, frequency.

Digit #1 must be "1" to indicate a hospital.

Digit #2 must be a "1" ((or)), a "2" or an "8" to indicate an inpatient.

Digit #3 must be one of the following:

- 1 - Admit through discharge claim

(c) Medicare Provider Number

This is the number assigned to the provider by Medicare.

(d) Patient Identifier

The patient identifier shall be composed of the first two letters of the patient's last name, the first two letters of the patient's first name, or one or two initials if no first name is available, and the patient's birthdate.

(e) Zipcode

Patient's five or nine digit zipcode. In the case of a foreign country, enter the first nine characters of the name.

(f) Birthdate

The patient's date of birth in MMDDYY format. Note: If the patient is over 100 years old at the date of admission, then "17" must be the value in the "Condition Code #1" field.

(g) Sex

Patient's sex in M/F format.

(h) Admission Date

Admission Date in MMDDYY format.

(i) Type of Admission

This field is filled with one of the following codes:

- 1 Emergency
2 Urgent
3 Elective
4 Newborn
5 Other

(j) Source of Admission

This field is completed with one of the following codes:

- 1 Physician referral
2 Clinic referral
3 HMO referral
4 Transfer from another hospital
5 Transfer from a SNF
6 Transfer from another HCF
7 Emergency room
8 Court/law enforcement
9 Other

When Type of Admission is a "4 Newborn", enter one of the following for Source of Admission:

- 1 Normal delivery
2 Premature delivery
3 Sick baby
4 Extramural birth

5 Multiple birth

(k) Patient Status

Patient discharge disposition in one of the following codes:

- 01 Discharged home
- 02 Discharged to another short-term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 20 Expired

(l) Statement Covers Period

This is the beginning and ending dates for which the UB-82 covers.

Chapter 261-50 WAC

(m) Condition Code #1

If a patient is equal to or over 100 years old at the time of admission, the value "17" must be the value of this field.

(n) Revenue Code

The Medicare required revenue code (as defined in the UB-82 Procedures Manual), which identifies a specific accommodation, ancillary service or billing calculation. Effective January 1, 1987.

(o) Units of Service

The Medicare required units of service (as defined in the UB-82 Procedures Manual) which provide a quantitative measure of services rendered by revenue category to or for the patient. Where no units of service are required by Medicare, the units of service may be those used by the hospital. Effective January 1, 1987.

(p) Total Charges by Revenue Code Category

Total charges pertaining to the related revenue code. Effective January 1, 1987.

(q) Payer Identification #1

Enter the three-digit code that identifies the primary payer. The required code options include:

- 001 for Medicare
- 002 for Medicaid
- 004 for health maintenance organizations
- 006 for commercial insurance
- 008 for labor and industries
- 009 for self pay
- 610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service
- 625 for other sponsored patients, e.g., CHAMPUS, Indian health
- 630 charity care, as defined in WAC 261-14-020(5)

(r) Payer Identification #2

Same requirements as in Payer Identification #1. This field should only be completed when a secondary payer has been identified.

(s) Principal Diagnosis Code

ICD9-CM Code describing the principal diagnosis (the condition established after study to be chiefly responsible or causing the hospitalization) that exists at time of admission.

(t) Diagnosis #2 Code

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay.

(u) Diagnosis #3 Code

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay.

(v) Diagnosis #4 Code

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay.

(w) Diagnosis #5 Code

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay.

(x) Principal Procedure Code

The ICD9-CM Code that identifies the principal procedure performed during the patient admission.

(y) Procedure #2 Code

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission.

(z) Procedure #3 Code

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission.

(aa) Attending Physician ID

The Medicaid assigned number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a Medicaid number assigned, the state license number should be used. Effective ((January)) July 1, 1987.

(bb) Other Physician ID

The Medicaid assigned number of the licensed physician who performed the principal procedure. For physicians who do not have a Medicaid number, the state license number should be used. If no principal procedure was performed, this field should be left blank. Effective ((January)) July 1, 1987.

(2) It shall be the responsibility of each hospital to ensure that data reported pursuant to WAC 261-50-030(1) is provided for all patient discharges. Each patient discharge must carry a separate, unique patient control number on a separate UB-82 record. For example, a mother and her newborn require separate UB-82s, each with a separate, unique patient control number.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

NEW SECTION

WAC 261-50-075 CERTIFICATION OF DATA ACCURACY. Following the end of each calendar quarter, the commission shall furnish each hospital a report of its discharge data for that quarter contained in

the commission's discharge system. The chief executive officer of the hospital shall, within fourteen calendar days of receipt of the report, certify that the information contained in the commission's discharge system is complete and accurate to within ninety-five percent of the total discharges and total charges experienced at the hospital during that quarter, or submit the necessary corrections to the data to permit such certification.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 87-01, filed 1/22/87 [1/23/87])

WAC 261-50-090 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 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 information required by WAC 261-50-030, 261-50-040, ((and)) 261-50-065 and WAC 261-50-075 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 violation by the commission. The executive director of the commission may grant extensions of time to file the information, in which cases failure to file the information shall not constitute a violation until the extension period has expired.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 87-08-038

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1920—Filed March 30, 1987—Eff. July 1, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to milk product standards, WAC 16-101-690.

This action is taken pursuant to Notice No. WSR 87-05-028 filed with the code reviser on February 17, 1987. These rules shall take effect at a later date, such date being July 1, 1987.

This rule is promulgated pursuant to chapter 15.36 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 30, 1987.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-101-690 CIVIL PENALTIES—SUBSTANDARD PRODUCTS. (1) Commencing July 1, 1987, a civil penalty may be imposed by the department against any dairy processing plant for deviation below the butterfat or solids-not-fat standard set forth in chapter 16-101 WAC for those fluid dairy products listed below: Milk, pasteurized milk, homogenized milk, vitamin D milk, vitamin A milk, vitamin A lowfat milk, nonfat milk, vitamin A nonfat milk, reconstituted or recombined milk or milk products, buttermilk or cultured buttermilk, protein fortified fluid milk products and acidified milk and milk products.

(2) For purposes of this section, the following terms have the following meanings:

(a) "Butterfat value" is the value of butterfat in producer milk, as listed in the monthly federal milk order report for the dairy processing plant in question in the month during which the deviation from standards occurs.

(b) "Solids-not-fat value" is the commodity credit corporation purchase price for nonfat dry milk as of the date the deviation from standards occurs.

(3) For purposes of this section, the Roese-Gottlieb procedure as described in the 14th edition of the Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC) shall be the reference method for determining the milk fat in milk and other fluid dairy products. The test for total solids in milk and other fluid dairy products shall be the final action oven procedure as described by the AOAC. Solids-not-fat shall be determined by subtracting the fat from the total solids.

(4) The department shall take and test samples from dairy processing plants on a regular basis pursuant to RCW 15.36.110. For the purposes of administering this section, all plants in the state to the extent practical, shall be sampled and tested with like frequency.

For each fluid dairy product to be tested, three samples shall be taken. The three samples shall be composited. The butterfat or solids-not-fat content of the composite shall be used for purposes of administering this section.

The result of each sampling shall be reported in accordance with RCW 15.32.530. In no event may a sample be taken for purposes of this civil penalty procedure, sooner than three days after the results of the previous sample have been mailed to the plant operator.

If the butterfat or solids-not-fat content of the fluid dairy product deviates more than one-tenth of one percent (0.1%) below the standard for that product set forth in chapter 16-101 WAC, a violation occurs. Deviations of greater than 0.1% but not more than 0.5% below the applicable standard shall be assigned a violation point

value of one. Deviations below the applicable standard by more than 0.5% shall be assigned a violation point value of two.

(5) Finished dairy product test results shall be recorded separately for each type of product sampled from each processing plant and for each component standard (butterfat and solids-not-fat.)

(6) The civil penalty shall be calculated separately for each type of product tested.

On the first occasion that a dairy processing plant receives a violation point for a product, a copy of the laboratory report disclosing the deviation from the applicable standard shall be sent to the concerned processing plant.

If the dairy processing plant incurs two violation points during the last four consecutive tests for a product, the director shall send a warning letter to the concerned processing plant, calling attention to these civil penalty regulations.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates three violation points for a product, the director shall impose a civil penalty against the processing plant. The amount of the civil penalty shall be equal to the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates four violation points for a product, the director shall impose a civil penalty against the processing plant. The amount of the civil penalty shall be equal to two times the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates five or more violation points for a product, the director shall impose a civil penalty against the dairy processing plant. The amount of the civil penalty shall be equal to three times the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

Notwithstanding the provisions of this section, no penalty shall be imposed if no violation points are assigned during the most recent (current) test.

(7) All civil penalties which are assessed pursuant to these regulations shall be processed in accordance with RCW 34.04.090.

In no case shall a civil penalty imposed under this section exceed \$10,000 per product, per offense.

A milk plant that refuses to supply the department with adequate records to verify the amount of a civil penalty shall be subject to the maximum penalty.

WSR 87-08-039
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 319—Filed March 30, 1987]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Tucannon River, WAC 232-28-61603.

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 the return of hatchery-origin steelhead to the Tucannon River is later than usual this year. Therefore, the game fishing season is extended from March 31 to April 15 to allow anglers ample opportunity to harvest these steelhead. Wild steelhead release regulations will continue to be in effect so harvest will be confined to hatchery fish only.

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, 1987.

By Jack S. Wayland
for Dr. James M. Walton
Chairman, Game Commission

NEW SECTION

WAC 232-28-61603 REGULATION CHANGE FOR SPORT FISHING ON THE TUCANNON RIVER. Notwithstanding the provisions of WAC 232-28-616 on the Tucannon River, game fish regulations will be as follows:

TUCANNON RIVER, 189, from mouth to Little Tucannon River: May 30-Apr. 15 season. NOTE: All tributaries CLOSED. WILD STEELHEAD RELEASE Nov. 1-Apr. 15, see page 3. The Tucannon River is closed from the mouth of Cummings Creek upstream to the Tucannon Hatchery Bridge.

From the Little Tucannon River upstream: May 30-Oct. 31 season. TROUT - min. lgth. 12"; BAIT PROHIBITED.

WSR 87-08-040
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—March 27, 1987]

The Washington State Board for Certification of Librarians will meet on Friday, April 24, 1987, at 9:00 a.m., in the Lovejoy Room of the Jantzen Beach Red Lion, Portland, Oregon.

WSR 87-08-041
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—March 30, 1987]

At the February 26, 1987, regular commission meeting, the commissioners decided to change the date of the April 23, 1987, regular commission meeting to April 30, 1987. The meeting will be held at the Bellingham Public Library, Lower Level Lecture Room, 210 Central Avenue, Bellingham, beginning at 9:30 a.m. There will be a work session held the evening of April 29, 1987, at Nendel's Inn, The Compass Room #3, 714 Lakeway Drive, Bellingham, beginning at 7:00 p.m. The topic of discussion for the April 30 meeting will be employment/testing and selection procedures.

WSR 87-08-042
PROPOSED RULES
PARKS AND RECREATION COMMISSION
 [Filed March 31, 1987]

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 financing historic preservation projects, chapter 352-42 WAC; and Advisory Council on Historic Preservation, chapter 352-44A WAC;

that the agency will at 9:00 a.m., Friday, May 15, 1987, in the Longview City Hall, 1525 Broadway, Longview, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-04-075 filed with the code reviser's office on February 4, 1987.

Dated: March 30, 1987
 By: Mike Reed
 Executive Assistant

WSR 87-08-043
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
 [Order 503—Filed March 31, 1987]

I, Brian J. Boyle, [Commissioner] of Public Lands and Administrator of the Department of Natural Resources, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the initial deposits for timber sales, WAC 332-140-300.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the state is currently involved in settlement negotiations regarding defaulted timber sales with purchasers that qualify as a defaulter under WAC 332-140-300 (4)(c). This amendment is necessary to facilitate settlement of these defaulted timber sales.

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 Board of Land Commissioners transferred to the Commissioner of Public Lands by RCW 43.30.070, [43.30].160 and [43.30].050 as authorized in RCW 79.01.052.

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, 1987.

By Brian J. Boyle
 Commissioner of Public Lands and
 Secretary, Board of Natural Resources

AMENDATORY SECTION (Amending Order 84-438
 [438], filed 12/18/84)

WAC 332-140-300 INITIAL DEPOSIT RATE.
 (1) *The rate for the initial deposit specified in RCW 79.01.132 and 204 shall be ten percent of the actual purchase price for lump sum sales and ten percent of the projected purchase price for scale sales, except as follows:*

(a) *In the case of lump sum sales over five thousand dollars, the initial deposit shall not be less than five thousand dollars.*

(b) *When the purchaser is a defaulter, the initial deposit shall be twenty-five percent of the purchase price for lump sum sales and twenty-five percent of the projected purchase price for scale sales, subject to subsection (1)(a).*

(c) *When a sale is assigned to a defaulter, the initial deposit shall be increased to twenty-five percent of the purchase price for lump sum sales and twenty-five percent of the projected purchase price for scale sales, subject to subsection (1)(a).*

(2)(a) *The purchaser shall certify to the Department on the day of the sale in the form prescribed by the Department whether the purchaser is a defaulter.*

(b) When a sale is assigned, the assignee shall certify to the Department in the form prescribed by the Department whether the assignee is a defaulter. If the assignee is a defaulter, the assignee shall deposit the additional amount before the assignment is approved by the Department.

(3)(a) The increased initial deposit for a defaulter shall remain in effect throughout the term of the sale, except as provided in subsections (3)(b) and (c).

(b) The initial deposit for a defaulter may be reduced to ten percent only if the defaulter has resolved all sales which were offered for bid after January 1, 1982, and were defaulted after September 19, 1984.

(c) The initial deposit may be reduced to ten percent if the defaulter assigns the sale to an assignee who is not a defaulter, but only if the condition in (3)(b) is met by the original purchaser.

(d) If the initial deposit is reduced pursuant to subsection (3)(b) or (c), the excess deposit shall be credited to stumpage or installment payments under the timber sales contract on which the increased deposit was required. The excess deposit may also be disbursed pursuant to a settlement agreement that resolves all of the defaulted sales.

(4) The following definitions apply to this section.

(a) "Assign" means to transfer the rights and duties of a purchaser of a sale to another pursuant to the provisions of the timber sale contract.

(b) "Default" means, in reference to a sale, that the purchaser's operating authority on such sale has expired without completion of performance or full payment of amounts due, or the Department has terminated the sale prior to expiration of the operating period for a breach of contract.

(c) "Defaulter" means a purchaser who (i) defaults on a sale after September 19, 1984, which sale was offered for bid after January 1, 1982, and (ii) has not resolved the defaulted sale.

(d) "Department" means the Department of Natural Resources of the State of Washington.

(e) The "operating authority" on a sale refers to the dates stated in the contract during which the purchaser is required to remove the forest products which are the subject of the sale.

(f) "Purchaser" means the purchaser of a sale and any affiliate, subsidiary or parent company thereof. "Affiliate" means a person, corporation or other business entity which is allied with or closely connected to another in a practical business sense, or is controlled or has the power to control the other or where both are controlled directly or indirectly by a third person, corporation or other business entity. "Affiliate" includes a joint venture. "Parent company" shall mean a corporation which owns a controlling interest in another corporation. The corporation whose shares are so owned is a "subsidiary" of the parent company.

Purchasers shall be required, upon request of the Department, to produce satisfactory written documentation of the relationship between any two or more persons, corporations or other business entities which they or the Department claim should be treated as one purchaser.

(g) "Resolved" in reference to a sale in default means full compliance with the terms of (i) an agreement by the Department and the defaulter of all disputed matters arising from the sale or (ii) final disposition by a court including termination of judicial review.

(h) "Timber sale contract," "sale contract," "contract," "timber sale," "sale of timber," and "sale" all mean the sale of and the contract to remove and pay for forest products which have been or are being sold by the Department at auction by voice or sealed bid and which had, at time of auction, a minimum appraised value of over twenty thousand dollars. All of the foregoing terms are considered to be synonymous as referred to in these regulations.

(5) The provisions of WAC 332-140-300 shall be deemed to be incorporated into the terms of all timber sales purchased after the effective date of these rules. A violation of these rules shall be deemed a breach of the provisions of the applicable timber sale.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 87-08-044

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 87-11—Filed March 31, 1987]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at 805 Plum Street, 4th Floor, Olympia, WA 98504, the annexed rules relating to this order corresponds to the medical aid administrative rule fee schedule changes filed in WAC 296-20-135 through 296-20-155 which increased the conversion factors for all health services providers. Those fee schedule changes were originally intended to apply only to medical care providers. By this order, the conversion factor for vocational rehabilitation providers will not change until additional studies are completed.

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 administrative rules concerning medical aid rules and maximum fee schedule, WAC 296-20-135 through 296-20-155 have been filed. The changes allow an increase in conversion factors for health services providers. The intent of the rule change was to allow medical care providers to receive an increase. The proposal was based on research and analysis of medical providers. Increasing the conversion factor for vocational rehabilitation providers was not intended. In WAC 296-18A-490, the conversion factors for vocational rehabilitation providers is linked to the conversion factor for medicine (WAC 296-20-135). Allowing the vocational

rehabilitation providers the same increase will mean an unanticipated increase in cost. The department is reviewing the cost of vocational rehabilitation services and will conduct a cost survey with providers.

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

This rule is promulgated pursuant to RCW 51.32.090 and 51.04.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 31, 1987.

By Dan Hodel
for Richard A. Davis
Director

AMENDATORY SECTION (Amending Order 85-20, filed 8/13/85, effective 9/12/85)

WAC 296-18A-490 BILLING FOR VOCATIONAL SERVICES. (1) Vocational rehabilitation providers must comply with the rules contained in chapter 296-20 WAC as they pertain.

(2) Vocational rehabilitation providers must carry general liability insurance, automobile liability insurance, and errors and omission/malpractice insurance.

(3) All vocational services must be prior authorized by the referral source, except immediate job placement.

(4) Charges for the following are considered overhead and will not be paid:

- (a) Typing of reports and copies of reports;
- (b) Long distance phone call charges and unanswered phone calls;
- (c) In-house staffing time;
- (d) Postage.

(5) All bills must be itemized on referral source approved bill forms. The billed charges must be justified and consistent with written reports. Any exception to these rules must be thoroughly documented. If charges are not documented, or justified, or consistent, payment will be reduced or denied.

(6) Vocational services must be billed using the following procedure codes. Time units of service are to be stated in tenth of hour blocks or six minutes per time unit. Mileage units of service are to be stated in total miles for the round trip to the nearest mile. Unless otherwise specifically noted, reimbursement rates are achieved by multiplying the total units of service by the relative value unit for the procedure code and then multiplying the total by \$1.18. ((the current conversion factor for medicine (WAC 296-20-135).))

CODE	DESCRIPTION	RELATIVE VALUE UNITS
VO205	Job modification consultant.	4.1
VO210	Consult with doctor, attorney, employer, persons other than the claimant.	4.1
VO212	Review case claim file.	4.1
VO222	Vocational exploration (services provided in conjunction with the injured worker).	4.1

CODE	DESCRIPTION	RELATIVE VALUE UNITS
VO223	Vocational counseling (i.e., plan development, placement, etc.).	4.1
VO225	Job analysis (on-site survey of a specific job).	4.1
VO226	Identify and analyze past work skills for transferability.	4.1
VO227	Labor market survey (determination of jobs available in geographic location).	4.1
VO228	Work evaluation - individual.	4.1
VO229	Work evaluation - group, up to a group of five persons.	1.8
VO231	Vocational test administration and scoring.	4.1
VO233	Interpretation of vocational testing and work evaluation.	4.1
VO238	Job placement/job development services to individual injured workers.	4.1
VO239	Job seeking skills instruction-groups (motivation and personal skills training to a group of injured workers) (2-10 workers, Maximum 40 billing hours per worker).	1.8
VO242	Monitor, approved rehabilitation plan.	4.1
VO245	Coordinations of services with (specify) job station, work evaluation, vocational testing, ancillary service.	4.1
VO251	Report Preparation: Initial Contact Report.	Flat Fee \$5
VO252	Progress Report.	Flat Fee \$25
VO253	Report Preparation for reports other than VO251, 252, 258 and 259.	4.1
VO258	Employability Statement form with Initial Evaluation completed.	4.1 up to max. of \$150
VO259	Employability Statement form without Initial Evaluation completed.	4.1 up to max. of \$450
VO260	Travel/wait time (waiting time is limited to one hour). If more than one client is being served in the area, travel time must be split among all clients.	1.8
VO261	Bridge and ferry tolls.	Reimbursement
VO262	Mileage per mile. If more than one client is being served in the area, mileage must be split among clients.	18¢ per mile
VO263	Provide and monitor a "job station" (a work activity program designed to evaluate or increase an individuals vocational abilities).	4.1
VO264	Work behavior modification.	4.1
VO274	Conducting a job club - maximum 40 billable hours. (A structured search for work programs for groups of injured workers.)	1.8
VO280	Placement by evaluation (placement agencies only) maximum of two hours assessment of placement potential includes report to department or VRC.	2.9
VO282	Placement made (employment agencies) flat fee paid on placement.	\$300 Fixed Fee
RETRAINING SERVICE (Fees vary by specific plans)		
RO310	Tuition and training fee	
RO312	Training supplies	
RO315	Training equipment	
RO320	Examination and license fees	
RO330	Transportation/mileage	
RO332	Parking	Reimbursement
RO334	Bridge and Ferry Tolls	Reimbursement
RO336	Commercial Fares	Reimbursement
RO340	Books	
RO350	Other	
RO360	Board	
RO370	Room	
RO380	Job Modification	

The department or self-insurer will authorize child care as part of a department or self-insurer approved formal program. Payment for child care services will be made to licensed day care providers or family members other than the injured worker or his/her spouse.

CODE	DESCRIPTION	RELATIVE VALUE UNITS
RO390	Child care/licensed day center. Hourly rate per child six hours or less	1.1
RO392	Child care/licensed day center. Daily rate per child seven to nine hours	7.5
RO395	Child care/nonlicensed provider. Hourly rate per child six hours or less	0.9
RO397	Child care/nonlicensed provider. Daily rate per child seven to nine hours	6.4

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 87-08-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed March 31, 1987]

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 employment and training, amending WAC 388-54-601, 388-54-675 and 388-54-677;

that the agency will at 10:00 a.m., Tuesday, June 9, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 10, 1987.

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 June 9, 1987.

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

Leslie F. James, Director
 Administrative Services
 Department of Social and Health Services
 Mailstop OB 39
 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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 19, 1987. The meeting site is in a location which is barrier free.

Dated: March 31, 1987
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.05.045 [34.04.045].

Re: WAC 388-54-601, 388-54-675 and 388-54-677.

Reason These Rule Changes are Necessary: To conform with the mandatory Food Security Act of 1985 requiring an employment and training (E&T) program for nonassistance food stamp registrants as of April 1, 1987.

Statutory Authority: RCW 74.04.510.

Summary of Rule Changes: Head of household, as it relates to employment and training programs or the voluntary quit provision, shall be that household member acquiring the greatest amount of earned financial support for the household. Youths 16 to 18 years of age who are heads of households in selected circumstances are required to register for employment. An allowance shall be provided to cover costs directly related to job search.

Person Responsible for the Drafting: Jane Bidstrup, Division of Income Assistance, mailstop OB-31J, phone 753-5830.

These rules are necessary as a result of federal law, 7 CFR Part 271, 272, 273, and 277.

AMENDATORY SECTION (Amending Order 2356, filed 3/26/86)

WAC 388-54-601 DEFINITIONS. (1) Beginning month(=): 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) Head of household. The household member who is the principal wage earner.

(6) 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))~~ (7) 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.

(8) Principal wage earner. The household member (including excluded members) with the greatest source of earned income in the two months prior to the month of violation provided that:

(a) The employment is at least twenty hours per week, and
 (b) There is no other person in the household that is a parent or fulfilling the role of a parent if such person is:

(i) Registered for work, or
 (ii) Exempt from work registration because of participation in WIN or receipt of unemployment compensation, or
 (iii) Employed or self-employed a minimum of thirty hours per week.

~~((7))~~ (9) 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.

~~((8))~~ (10) 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.

~~((9))~~ (11) Prospective eligibility(=): The determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((+0))~~ (12) Report month(=). The first month of the budgeting cycle. The month for which the recipient reports his or her circumstances.

~~((+1))~~ (13) 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.

~~((+2))~~ (14) Retrospective eligibility(=). The determination of eligibility based on retrospective budgeting rules and other circumstances existing in the report month.

~~((+3))~~ (15) 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 2222, filed 4/8/85)

WAC 388-54-675 WORK REGISTRATION AND JOB SEARCH. (1) Unless otherwise exempt, each individual between the ages of eighteen and sixty ~~((is required to))~~ shall register for employment at certification and once every twelve months thereafter. A child reaching age eighteen during a certification period shall be registered for work during the next recertification process.

(2) Sixteen or seventeen-year-old heads of households shall register for employment unless the individual is:

- (a) Attending school, or
- (b) Enrolled in an employment and training program at least half time.

(3) The following people are exempt from work registration:

- (a) A person physically or mentally unfit for employment;
- (b) A parent or other member of the household having responsibility for the care of a dependent child under six years of age or of an incapacitated person.

If the child has his or her sixth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement at the next recertification, unless the individual qualifies for another exemption.

(c) A person receiving unemployment compensation (UC), or a person applying for but not yet receiving unemployment compensation;

(d) A household member subject to and participating in the work incentive program (WIN), community work and training program (CWEP), or employment and training (E&T) programs;

(e) A person employed or self-employed at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty;

(f) A student enrolled at least half time in any recognized school, training program or institution of higher education provided those students enrolled in higher education have met the eligibility conditions in WAC 388-54-670;

(g) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(h) A person complying with work requirements imposed as a participant in any refugee program;

(i) A migrant or seasonal farmworker under contract or similar agreement with an employer to begin employment within thirty days;

~~((+3))~~ (4) The department shall provide work registration forms to the applicant for each household member required to register. Household members are registered when a completed work registration form is submitted to the department.

~~((+4))~~ (5) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable. The department shall verify any claim for exemption it determines questionable.

~~((+5))~~ (6) Persons required to register for work are subject to job search. Persons subject to job search are required to:

(a) Contact as required by the job service center (JSC) up to twenty-four prospective employers during an eight-week or two four-week period or periods of mandatory job search each time they are entered into the food stamp program or each twelve months, whichever occurs sooner;

(b) Report at a prescheduled time to the JSC on the result of all job contacts twice during the eight-week period;

(c) Comply with JSC follow-up interviews.

~~((+6))~~ (7) Each member required to register for employment shall also be required to:

(a) Report for an interview to the JSC;

(b) Respond to a request from the JSC requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom referred by the JSC, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which referred by the JSC;

~~((+))~~ ~~Continue suitable employment to which referred. Suitability of employment shall be determined by the JSC.~~

~~(7) If a household member refuses or fails to comply with the work registration or job search requirements without good cause, the household shall be ineligible for participation in the program, until the member moves from the household, becomes exempt, or, for two months, whichever is earlier. Any new household containing this member shall be disqualified.~~

~~((+))~~ (8) The department shall provide an allowance of twenty-five dollars per month to cover the cost of looking for work for individuals assigned to job search.

(9) If a household member fails to comply with work registration or job search requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the head of household, or

(b) Disqualify the noncompliant person if the noncompliant member is other than the head of household. The disqualified member shall be treated as an ineligible household member.

(10) The disqualification for noncompliance with work registration or job search requirements shall be for two months or until the noncompliant member moves from the household, becomes exempt, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household, and joins another household, the entire new household is ineligible for the remainder of the disqualification if the noncompliant member joins as head of the household.

(b) If the noncompliant member is not the head of household in the new household, the individual shall be treated as an ineligible household member for the remainder of the disqualification.

(11) The JSC shall determine whether good cause existed for failure to comply. Facts and circumstances considered include information from the household member, employer, and the JSC. Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, unavailability of transportation, or the lack of adequate child care for children having reached age six but under age twelve.

~~((+))~~ (12) A household member exempt from work registration because he or she was registered for work under WIN, E&T, CWEP, or UC and failing to comply with a WIN, E&T, CWEP, or UC requirement comparable to a food stamp work registration or job search requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.

~~((+))~~ (a) ~~(When the CSO learns a household member has refused or failed without good cause to comply with such a requirement,) The ((CSO)) department shall determine whether the requirement was comparable.~~

(b) The WIN, E&T, CWEP, or UC requirement shall not be considered comparable if it places responsibilities on the household exceeding those imposed by the food stamp work registration requirements.

~~((+))~~ (c) ~~(When the CSO determines) If the requirement is comparable, the entire household shall be disqualified((-A household shall not be disqualified from participation if)) unless the noncomplying member meets one of the work registration exemptions.~~

(d) Household members failing to comply with a noncomparable WIN, CWEP, E&T, or UC requirement shall lose their exemption and must register for work.

~~((+))~~ (13) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status or failure to comply with work registration and job search requirements for determination of noncompliance with a comparable WIN, CWEP, E&T, or UC work requirement.

Within ten days of receipt of notice of failure to comply, provide the household with notice of adverse action. The notice shall contain the proposed period of disqualification and shall specify the household may reapply at the end of the disqualification period.

~~((+))~~ (14) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

~~((+10))~~ (15) A registrant moving out of the jurisdiction of the JSC office with which he or she is registered must reregister at his or her new location.

~~((+11))~~ (16) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

~~((+12))~~ (17) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 2360, filed 4/2/86)

WAC 388-54-677 VOLUNTARY QUIT. No applicant or recipient household whose ~~((primary wage earner))~~ head of household 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))~~ head of household 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))~~ head of household. ~~((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))~~ The head of household is as defined in WAC 388-54-601.

(3) The CSO determines if the voluntary quit was without good cause. See WAC 388-54-675 (7)(a) for 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))~~ head of household 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))~~ head of household 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))~~ head of household 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 388-54-676(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))~~ head of household, 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 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))~~ department is upheld, the sanction will begin the first of the month after the hearing decision is rendered.

(6) If the noncompliant head of household ~~((member causing the sanction))~~ leaves the household, ~~((the sanction follows that member:))~~ the remaining household members are no longer sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction ~~((does not apply to a household that a sanction member may join))~~ shall be imposed on the new household.

(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.

(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 87-08-046
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2477—Filed March 31, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to employment and training, amending WAC 388-54-601, 388-54-675 and 388-54-677.

I, Leslie F. James, 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 7 CFR Parts 271, 272, 273, and 277.

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 74.04.510.

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, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2356, filed 3/26/86)

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) Head of household. The household member who is the principal wage earner.

(6) 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)) (7) 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.

(8) Principal wage earner. The household member (including excluded members) with the greatest source of earned income in the two months prior to the month of violation provided that:

(a) The employment is at least twenty hours per week, and

(b) There is no other person in the household that is a parent or fulfilling the role of a parent if such person is:

(i) Registered for work, or

(ii) Exempt from work registration because of participation in WIN or receipt of unemployment compensation, or

(iii) Employed or self-employed a minimum of thirty hours per week.

((7)) (9) 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.

((8)) (10) 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.

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

((10)) (12) Report month(=). The first month of the budgeting cycle. The month for which the recipient reports his or her circumstances.

((11)) (13) 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.

((12)) (14) Retrospective eligibility(=). The determination of eligibility based on retrospective budgeting rules and other circumstances existing in the report month.

((13)) (15) 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 2222, filed 4/8/85)

WAC 388-54-675 WORK REGISTRATION AND JOB SEARCH. (1) Unless otherwise exempt, each individual between the ages of eighteen and sixty ((is required to)) shall register for employment at certification and once every twelve months thereafter. A child reaching age eighteen during a certification period shall be registered for work during the next recertification process.

(2) Sixteen or seventeen-year-old heads of households shall register for employment unless the individual is:

(a) Attending school, or

(b) Enrolled in an employment and training program at least half time.

(3) The following people are exempt from work registration:

(a) A person physically or mentally unfit for employment;

(b) A parent or other member of the household having responsibility for the care of a dependent child under six years of age or of an incapacitated person.

If the child has his or her sixth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement at the next recertification, unless the individual qualifies for another exemption.

(c) A person receiving unemployment compensation (UC), or a person applying for but not yet receiving unemployment compensation;

(d) A household member subject to and participating in the work incentive program (WIN), community work and training program (CWEP), or employment and training (E&T) programs;

(e) A person employed or self-employed at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty;

(f) A student enrolled at least half time in any recognized school, training program or institution of higher education provided those students enrolled in higher education have met the eligibility conditions in WAC 388-54-670;

(g) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(h) A person complying with work requirements imposed as a participant in any refugee program;

(i) A migrant or seasonal farmworker under contract or similar agreement with an employer to begin employment within thirty days;

~~((f3))~~ (4) The department shall provide work registration forms to the applicant for each household member required to register. Household members are registered when a completed work registration form is submitted to the department.

~~((f4))~~ (5) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable. The department shall verify any claim for exemption it determines questionable.

~~((f5))~~ (6) Persons required to register for work are subject to job search. Persons subject to job search are required to:

(a) Contact as required by the job service center (JSC) up to twenty-four prospective employers during an eight-week or two four-week period or periods of mandatory job search each time they are entered into the food stamp program or each twelve months, whichever occurs sooner;

(b) Report at a prescheduled time to the JSC on the result of all job contacts twice during the eight-week period;

(c) Comply with JSC follow-up interviews.

~~((f6))~~ (7) Each member required to register for employment shall also be required to:

(a) Report for an interview to the JSC;

(b) Respond to a request from the JSC requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom referred by the JSC, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which referred by the JSC;

~~((f7))~~ ~~Continue suitable employment to which referred. Suitability of employment shall be determined by the JSC.~~

~~(7) If a household member refuses or fails to comply with the work registration or job search requirements without good cause, the household shall be ineligible for participation in the program, until the member moves from the household, becomes exempt, or, for two months, whichever is earlier. Any new household containing this member shall be disqualified.~~

~~(a))~~ (8) The department shall provide an allowance of twenty-five dollars per month to cover the cost of looking for work for individuals assigned to job search.

(9) If a household member fails to comply with work registration or job search requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the head of household, or

(b) Disqualify the noncompliant person if the non-compliant member is other than the head of household. The disqualified member shall be treated as an ineligible household member.

(10) The disqualification for noncompliance with work registration or job search requirements shall be for two months or until the noncompliant member moves from the household, becomes exempt, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household, and joins another household, the entire new household is ineligible for the remainder of the disqualification if the noncompliant member joins as head of the household.

(b) If the noncompliant member is not the head of household in the new household, the individual shall be treated as an ineligible household member for the remainder of the disqualification.

(11) The JSC shall determine whether good cause existed for failure to comply. Facts and circumstances considered include information from the household member, employer, and the JSC. Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, unavailability of transportation, or the lack of adequate child care for children having reached age six but under age twelve.

~~((b))~~ (12) A household member exempt from work registration because he or she was registered for work under WIN, E&T, CWEP, or UC and failing to comply with a WIN, E&T, CWEP, or UC requirement comparable to a food stamp work registration or job search requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.

~~((c))~~ ~~(a) ((When the CSO learns a household member has refused or failed without good cause to comply with such a requirement,)) The ((CSO)) department shall determine whether the requirement was comparable.~~

(b) The WIN, E&T, CWEP, or UC requirement shall not be considered comparable if it places responsibilities on the household exceeding those imposed by the food stamp work registration requirements.

~~((d))~~ ~~(c) ((When the CSO determines)) If the requirement is comparable, the entire household shall be disqualified((-A household shall not be disqualified from participation if)) unless the noncomplying member meets one of the work registration exemptions.~~

(d) Household members failing to comply with a noncomparable WIN, CWEP, E&T, or UC requirement shall lose their exemption and must register for work.

~~((f8))~~ (13) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status or failure to comply with work registration and job search

requirements for determination of noncompliance with a comparable WIN, CWEP, E&T, or UC work requirement.

Within ten days of receipt of notice of failure to comply, provide the household with notice of adverse action. The notice shall contain the proposed period of disqualification and shall specify the household may reapply at the end of the disqualification period.

~~((9))~~ (14) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

~~((10))~~ (15) A registrant moving out of the jurisdiction of the JSC office with which he or she is registered must reregister at his or her new location.

~~((11))~~ (16) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

~~((12))~~ (17) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 2360, filed 4/2/86)

WAC 388-54-677 VOLUNTARY QUIT. No applicant or recipient household whose ~~((primary wage earner))~~ head of household 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))~~ head of household 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))~~ head of household. ~~((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))~~ The head of household is as defined in WAC 388-54-601.

(3) The CSO determines if the voluntary quit was without good cause. See WAC 388-54-675 (7)(a) for 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))~~ head of household 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))~~ head of household 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))~~ head of household 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 388-54-676(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))~~ head of household, 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 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 ~~((ESO))~~ department is upheld, the sanction will begin the first of the month after the hearing decision is rendered.

(6) If the noncompliant head of household ~~((member causing the sanction))~~ leaves the household, ~~((the sanction follows that member.))~~ the remaining household members are no longer sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction ((does not apply to a household that a sanction member may join)) shall be imposed on the new household.

(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.

(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 87-08-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-22—Filed March 31, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use and commercial fishing rules.

I, Joseph R. Blum, 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 razor clam regulations provide for a limited harvest on available stocks. Shrimp regulations are designed to protect weak stocks in areas of nontraditional harvest. Sea cucumber regulations provide opportunity for experimental fishery while allowing incidental catch. Sport regulation prevents accidental harvest of razor clams and possible criminal liability.

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, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-52-0300D RAZOR CLAM—COMMERCIAL HARVEST. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to fish for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) Those waters of Razor Clam Area Number One lying north of the Leadbetter Channel, west of Ellen Sands, and south of the Willapa Bay Ship Channel (detached Willapa spit) are open to commercial razor clam digging from 12:01 a.m. May 18 through 11:59 p.m. June 30, 1987.

(2) It is lawful to possess razor clams for commercial purposes that are lawfully taken from within the boundaries of the Quinault Indian Reservation.

NEW SECTION

WAC 220-52-05300R SHRIMP FISHERY—AREAS AND GEAR. Notwithstanding the provisions of WAC 220-52-053, effective immediately until further notice in Marine Fish-Shellfish Management and Catch Reporting Area 25A and those waters of Area 22A southerly of a line projected true east-west through Turn Rock Light from San Juan Island to Lopez Island and northerly of a line projected true east from Cattle Point on San Juan Island to Lopez Island:

(1) It is unlawful to fish for or possess shrimp taken for commercial purposes with trawl gear.

(2) It is unlawful for any one person to use more than fifty shrimp pots to fish for shrimp or to set shrimp pots in water that would be less than 20 fathoms deep at mean lower low water.

NEW SECTION

WAC 220-52-07100B SEA CUCUMBERS—TRAWL GEAR. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to fish for or possess sea urchins taken for commercial purposes except using trawl gear as authorized under chapter 220-48 WAC, and during seasons and within areas provided for in WAC 220-52-072, or as authorized by a permit issued by the director.

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 220-56-35000B HARDSHELL CLAMS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-350, effective immediately through May 16, 1987, on even numbered days it is unlawful to dig for or possess hardshell clams and horse clams from those waters of Razor Clam Area Number One lying north of the Leadbetter Channel, west of Ellen Sands, and south of the Willapa Bay Ship Channel (detached Willapa spit).

WSR 87-08-048
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-23—Filed March 31, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 temporary regulations are needed 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, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-55-02500A SIGNATURE REQUIRED. Notwithstanding the provisions of WAC

220-55-025, effective April 1, 1987, each person obtaining a razor clam license must sign the license before the validating overlay is fixed in place.

NEW SECTION

WAC 220-56-11500E ANGLING WITH TWO LINES PROHIBITED Notwithstanding the provisions of WAC 220-56-115, effective April 1, 1987, it is unlawful to use other than one line with one lure while fishing for salmon in saltwater.

NEW SECTION

WAC 220-56-29500C STURGEON—UNLAWFUL ACTS. Notwithstanding the provisions of WAC 220-56-295, effective April 1, 1987, it is unlawful to possess sturgeon eggs in the field without having retained the sturgeon carcass from which the eggs have been removed.

NEW SECTION

WAC 220-56-31000H SHELLFISH POSSESSION LIMITS. Notwithstanding the provisions of WAC 220-56-310, effective April 1, 1987, the daily bag limit for shrimp is 10 pounds, whole in the shell.

NEW SECTION

WAC 220-56-32000A SHELLFISH GEAR—UNLAWFUL ACTS. Notwithstanding the provisions of WAC 220-56-320, effective April 1, 1987, it is unlawful to fish for crab for personal use with shellfish pot or ring net gear except from one hour before sunrise to one hour after sunset in the following waters:

(1) The waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad Bridge connecting March Point and Anacortes.

(2) The waters of Padilla Bay and Swinomish Slough within 25 yards of the Burlington Northern Railroad Bridge crossing the northern end of Swinomish Slough.

NEW SECTION

WAC 220-56-35000C HARDSHELL CLAMS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-350, effective April 1, 1987, all county owned tidelands at Kayak Point are closed to clam digging.

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 220-56-37200A RAZOR CLAM SANCTUARIES. Notwithstanding the provisions of WAC 220-56-372, effective April 1, 1987, the Copalis Beach Razor Clam Sanctuary is defined as from a point beginning two-tenths of a mile south of the Copalis Beach approach extending south for one quarter mile.

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 220-57-31000F KALAMA RIVER Notwithstanding the provisions of WAC 220-57-310, effective April 1, 1987, the minimum size limit for salmon downstream from a point 1,000 feet below the fishway at the upper salmon hatchery is 12 inches in length.

NEW SECTION

WAC 220-57-49500E WASHOUGAL RIVER. Notwithstanding the provisions of WAC 220-57-495, effective April 1, 1987,, Bag limit A downstream from the bridge at Salmon Falls to mouth.

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 SECTIO [SECTION]

WAC 220-57-50500L WHITE SALMON RIVER. Notwithstanding the provisions of WAC 220-57-505, effective April 1, 1987, Bag Limit C upstream from a set of markers approximately 1/2 mile north of the Highway 14 Bridge to a line 400 feet downstream from Condit Dam.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 87-08-049

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed March 31, 1987]

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

New	WAC 192-12-005	Adequate notice and opportunity to be heard defined.
New	WAC 192-12-011	Continued claim definitions.
New	WAC 192-12-012	Conditional payment of continued claim recipients when eligibility is questioned.
Amd	WAC 192-12-141	Registration, reports and claims for unemployment compensation and related benefits.
Amd	WAC 192-23-011	Failure to provide details of employment.
Amd	WAC 192-23-012	Failure to provide details on holiday and/or vacation pay.
Amd	WAC 192-23-014	Failure to establish ability to <u>or availability</u> for work.
Amd	WAC 192-23-016	Failure to meet work search requirements.
New	WAC 192-23-018	Failure to report in person to reopen a claim for benefits after a break in claim series.
Amd	WAC 192-23-051	Failure to provide details on separation from employment.
Amd	WAC 192-23-800	((Claimant)) certification of ineligibility.
Amd	WAC 192-23-810	((Claimant)) certification of return to full-time work <u>or report of hours worked consistent with full-time work;</u>

that the agency will at 10:00 a.m., Tuesday, May 19, 1987, in the Commissioner's Conference Room, 212

Maple Park, 2nd Floor, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 28, 1987.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 1987.

Dated: March 30, 1987

By: Ernest F. LaPalm
Deputy Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

We held a hearing on the general material in these rules on December 24, 1986, and have changed the rules to accommodate testimony at that hearing. The amendment to WAC 192-23-015 is withdrawn. Description of the other changes is in italic print.

WAC 192-12-005 through 192-12-141, Substantive rules. These regulations have been drafted to define a claim for benefits and continued claim recipients and to clearly state the intent of the department as it relates to the conditional payment process.

WAC 192-12-005 defines adequate notice and opportunity to be heard. This new section was added to regulate department policy that claimants be advised of their rights and be given an opportunity to respond to information received by the department that could adversely affect their claim. *Clarifying language was added to identify the time of providing material to the claimant as the time of the interview, but also to provide the option to, at claimant request, provide the information to the claimant at an earlier time. The phrase "opportunity to respond" is replaced with "opportunity to be heard."*

WAC 192-12-011 defines a continued claim recipient. Once a claimant has established status as a continued claim recipient the department is obligated to conditionally pay benefits until the claimant has been afforded adequate notice of the benefit eligibility issue and offered the opportunity to be heard. *Subsection (2), which described several situations that would remove the claimant from continued claim recipient status, has been replaced with a proviso that a four or more week interruption of benefit eligibility will end continued claim status.*

WAC 192-12-012 authorizes conditional payment of benefits to continued claim recipients when eligibility is questioned and regulates departmental policy of issuing payment without delay unless the claimant specifically certifies to a condition of ineligibility.

WAC 192-12-141 is revised to include a definition of a claim for benefits, authorizes the return of incomplete claim forms for claimant correction instead of requiring conditional payment, regulates departmental policy of the reopening of claims and methods of filing claims authorized by the commissioner. *Subsections (5)(b)(iii)*

and (c)(iii) have been modified to restrict the commissioner's discretionary authority to specific areas rather than allowing blanket authorization of claim filing methods and sequences.

WAC 192-23-011 through 192-23-810, Benefit payment regulations. The title of this chapter has been expanded from conditional payment regulations to benefit payment regulations as the conditional payment process is only a subset of the benefit payment process. These regulations have been drafted to clarify the issuance of presumptive disqualifications when claimants do not respond to a request for added information, and authorizes the department to deny payment of benefits, without the requirement to conditionally pay benefits, if the claimant clearly and specifically certifies to a condition of ineligibility.

WAC 192-23-011 is amended to clarify conditional payment action when a claimant certifies to work and earnings, but omits employer name and address information. Subsection (1) conforms to WAC 192-12-141(5) and applies to situations where a continued claim meets the definition of a claim for benefits, the claimant certifies to the amount of work and earnings, and the claims processor can readily discern the absence of employer name and address information. Subsection (2) applies to situations when a claimant advises the department that he or she will have work or earnings for a week not yet claimed but omits any earnings information when submitting the claim form. Since the claims processor would not be aware that work and earnings information was omitted and the automated system cannot scan for all the elements required for a claim for benefits and thereby return "incomplete" claims to claimants, the absence of earnings information would trigger the system to conditionally pay/pend the questionable week, instead of first returning the claim form to the claimant for correction. If a claimant fails to respond to a request for added information a denial under RCW 50.20.010 would apply for the week in question.

WAC 192-23-012 is amended to clarify conditional payment action when a claimant certifies to holiday or vacation pay, but omits the source name and address information. Subsection (1) conforms to WAC 192-12-141(5) and applies to situations where a continued claim meets the definition of a claim for benefits, the claimant certifies to the amount of holiday/vacation pay, and the claims processor can readily discern the absence of employer name and address information. Subsection (2) applies to situations when a claimant advises the department that he or she will have holiday or vacation pay for a week not yet claimed but omits any earnings information when submitting the claim form. Since the claims processor would not be aware that holiday/vacation pay information was omitted and the automated system cannot scan for all the elements required for a claim for benefits and thereby return "incomplete" claims to claimants, the absence of earnings information would trigger the system to conditionally pay/pend the questionable week, instead of first returning the claim form to the claimant for correction. If a claimant fails to respond to a request for added information a denial under RCW 50.20.010 would apply for the week in question.

WAC 192-23-014 is amended to provide for an indefinite denial of benefits if a claimant certifies that he or she was not able and/or available for work due to a circumstance which is clearly a continuing condition. If a claimant fails to respond to a request for added information a denial under RCW 50.20.010(3) would apply beginning the first week in question and remain in effect until the circumstances no longer exist.

WAC 192-23-016 is amended to emphasize that an individual work search directive must be issued to claimants prior to any denials for failure to meet specific work search requirements. If a claimant has been given a work search directive and fails to respond to a request for added information, a denial under RCW 50.20.010(3) would apply for the week(s) in question.

WAC 192-23-018 is added to specifically address a claimant's failure to reopen a claim after a break in weeks claimed. This provision is extracted from WAC 192-23-051 to more closely reflect the appropriate issue and law. If a claimant fails to reopen a claim in person after a break in weeks claimed and fails to respond to a request to report in person, a denial under RCW 50.20.010(1) would apply beginning the first week in question and remain in effect until the claimant reports in person to reopen the claim. *This rule was changed to take "failure to establish good cause for failure to report" out of the conjunctive and make it stand alone as a reason for denial under RCW 50.20.010(1).*

WAC 192-23-051 is amended to remove the issue of breaks in weeks claimed from its jurisdiction. It now confines itself to situations where probable job separation issues exist. If a claimant reports no work or earnings, no employer nor job separation information after a previous claim with reported earnings, and if the claimant does not respond to a request for added information, a denial under RCW 50.20.050 would apply beginning with the week in question and remain in effect until the claimant meets the requalification provisions.

WAC 192-23-800 is amended to allow for an immediate reduction or denial of benefits if a claimant clearly certifies to a condition of ineligibility. It is also amended to regulate department policy that determination notices for such denials be issued the same day the continued claim form would normally be processed. Subsection (1) is added to allow for 1/7 and 2/7 reductions only for the week(s) in question. Subsection (2) applies to denials based on a claimant's clear certification that he or she was not able or available for work for three or more days. It is revised to allow a denial under RCW 50.20.010(3) instead of RCW 50.20.010(2) and it would only apply for the week(s) in question. Subsection (3) is added to allow for an indefinite denial under RCW 50.20.010(3) if a claimant clearly certifies to a continuing condition of ineligibility. Subsection (4) is added to allow for a denial under RCW 50.20.010(2) when a claimant submits a legal claim for benefits and clearly states that he or she does not wish to receive payment for that week(s). This denial would only apply to the week(s) in question. Subsection (5) is added to emphasize the department's policy that any determination notices for denials under this section must be issued without delay.

WAC 192-23-810 is amended to allow for an immediate denial if a claimant certifies to return to full-time work or reports hours worked consistent with full-time work. A denial under RCW 50.20.010 would apply only to the week(s) in question. It is also amended to reinforce department policy that any such determination notices must be issued on the same day as the continued claim form would normally be processed.

The amendments and changes in this package were prepared by Eric Jordan, Employment Security Program Coordinator 3, 212 Maple Park, Olympia, Washington 98504, phone (206) 586-2915. The rules are administered by Jim Wolfe, Assistant Commissioner for Unemployment Insurance, 753-5120, and Gary Christensen, Assistant Commissioner for Field Operations, 753-5149.

NEW SECTION

WAC 192-12-005 ADEQUATE NOTICE AND OPPORTUNITY TO BE HEARD DEFINED. For the purposes of chapter 50 RCW and chapter 192 WAC the following definitions apply:

(1) "Adequate notice" means a written notice to a claimant explaining:

- (a) That his/her eligibility for benefits is in question.
- (b) The issue(s) raised.
- (c) That the claimant has the right to report in person for a fact-finding interview regarding his or her eligibility for benefits and that he or she has the right to bring an attorney or other representative, witnesses and other documentary evidence, and the right to cross-examine witnesses or parties present.

(d) That the claimant is entitled to access to records or documents possessed by the department relevant to the issue raised.

(e) The date before which the claimant must respond as directed and an explanation that failure to respond may result in a denial and overpayment of benefits. The date must be no earlier than reasonable mailing time plus five working days.

(2) "Opportunity to be heard" means an offer to hold a fact-finding interview to resolve the department's questions regarding the claimant's eligibility for benefits.

At the fact-finding interview, prior to asking the claimant to respond, the department shall make available all information of which it is aware that could result in a denial of benefits. Upon request, the material will be provided to the claimant prior to the interview.

The department shall not incorporate into a determination of benefit eligibility new adverse information received after the fact-finding interview or after the claimant has responded as authorized without first notifying the claimant of the contents of that information and giving the claimant the opportunity to be heard.

NEW SECTION

WAC 192-12-011 CONTINUED CLAIM DEFINITIONS. (1) A continued claim recipient is a claimant who has been:

- (a) Determined to be monetarily entitled to benefits; and
- (b) Determined to be nonmonetarily eligible for benefits; and
- (c) Granted waiting period credit and/or benefits for one or more weeks in the benefit year and in the current continued claim series. Provided that: Any combination of four or more consecutive weeks for which claims are not filed, or weeks during which the claimant is not an unemployed individual as defined in RCW 50.04.310, ends continued claim status.

NEW SECTION

WAC 192-12-012 CONDITIONAL PAYMENT OF CONTINUED CLAIM RECIPIENTS WHEN ELIGIBILITY IS QUESTIONED. An otherwise eligible continued claim recipient whose eligibility is questioned by the department shall be conditionally paid benefits without delay, for any week or weeks for which a claim for benefits is filed, until and unless the claimant has been afforded adequate notice and an opportunity to be heard except as provided in WAC 192-23-800 and 192-23-810.

AMENDATORY SECTION (Amending Order 2-75, filed 2/10/75)

WAC 192-12-141 REGISTRATION, REPORTS, AND CLAIMS FOR UNEMPLOYMENT COMPENSATION AND RELATED BENEFITS. (1) Interstate claimants. Individuals who file interstate claims for benefits against this state through the local office of any agent state shall not be subject to this regulation. (See WAC 192-12-130.)

(2) Application for initial determination. Except for good cause shown an application for initial determination shall be filed in person at a Washington state employment security office on forms provided by the department. Such application may be made at any time.

(3) Registration for work. As a condition of eligibility for waiting period credit or benefits, an individual shall register for work at an office of the Washington state employment security department on forms provided and shall thereafter renew his or her registration as directed during the total period in which he or she maintains active claim status except as provided in WAC 192-12-150, covering the requirements for payment of benefits to partially unemployed individuals and standby workers.

(4) Perfecting a claim for waiting period credit.

(a) Except for good cause shown, to perfect a claim for waiting period credit, a claimant shall report in person at an employment security department office during the week for which he or she intends to claim waiting period credit.

(b) The claim for waiting period credit shall be made in writing on forms provided by the department. It shall be filed at the office during the calendar week immediately following the last day of the week being claimed except for good cause shown.

(5) Claim for benefits. A claim for waiting period credit or benefits shall be filed with a Washington state employment security office, (~~in writing, on forms~~) as prescribed by the department. The department shall determine the method and time sequence by which each individual shall file a claim for benefits.

(a) A written claim for waiting period credit or benefits shall:

- (i) Include a correct week ending date which is the Saturday date of the week being claimed, and
- (ii) Be filed after the week ending date of the week claimed, and
- (iii) Include the claimant's signature, and
- (iv) Be filed against an established benefit year ending date, whether monetarily eligible or ineligible, and
- (v) Include certification as to the amount of remuneration, if any, including a pension, holiday pay, vacation pay, or earnings for the week or weeks claimed, and a certification of the number of hours during each week claimed unless the certification of remuneration removes the claimant from the status of an unemployed individual as defined in RCW 50.04.310.

(b) The method for filing claims shall be one of the following:

- (i) In-person method, whereby the claimant shall file the claim in person except for good cause shown;
- (ii) Mail method, whereby the claimant shall file the claim by mail or in a Washington state employment security office (~~drop box~~) except for good cause shown. Claims submitted by mail shall be deemed filed with the department on the postmarked date.

(iii) The commissioner may authorize other methods for the purpose of study, in response to state or national emergencies, or where unusual circumstances, not within the control of the claimant, make in-person or mail filing difficult.

~~((b))~~ (c) The time sequence for filing claims shall be one of the following:

- (i) Weekly sequence, whereby claims shall be filed during the calendar week immediately following the week being claimed except for good cause shown;
- (ii) Biweekly sequence, whereby a claim for a two-consecutive-week period shall be filed during the calendar week immediately following such period except for good cause shown.

(iii) The commissioner may authorize another sequence for the purpose of study, in response to state or national emergency, or where unusual circumstances, not within the control of the claimant, make another sequence more appropriate.

(6) Certain exceptions pertaining to filing claims in person.

(a) A claimant who is directed to file a claim for waiting period credit or benefits in person and because of returning to work is unable to do so must be permitted to file the claim by mail. The claimant must file the claim or claims within the same period as the claimant was directed to file in person except for good cause shown, provided that claims submitted by mail shall be deemed filed with the department on the postmarked date.

(b) In the event that a claimant is scheduled to file a claim (or claims) in person on the last business day of the week and the claimant fails to file as scheduled, the claimant shall be allowed the next business day to file such claim (or claims) in person.

(7) Reporting responsibility. Irrespective of time sequences for filing claims for waiting period credit or benefits, the department may require a claimant to report to a local office in person for any reason deemed appropriate. Failure to report, as and when directed, shall result in the denial of benefits for the week during which such failure occurs, except for good cause shown.

(8) Itinerant offices. In cases where a representative of the employment security department shall establish a location apart from the usual place of reporting for the purpose of taking registrations, initial applications or claims for waiting period credit or benefits, all individuals registering or filing an application or claims at such location shall be deemed to have registered or filed at an Employment Security office.

(9) Provisions for handling incomplete claims. (a) In the event that a claim form does not conform to the definition of a claim for waiting period credit or benefits, the form may be returned to the claimant for correction or completion. Any such returned form will be accompanied by a written explanation of the reason for return, and the correction or completion of omitted entries required.

(b) If a claim form is submitted with the intent to claim benefits for more than one week, and one or more of the weeks do not conform to the definition of a claim for benefits, the week or weeks that do meet the definition shall be promptly processed.

(10) Reopening of claims. A claimant shall report in person at an employment security department office during the first week for which benefits are claimed after a break or interruption of one or more weeks in a series of consecutive weekly claims, except for good cause shown. The department may waive or modify this requirement, when authorized by the commissioner, for administrative reasons or to reduce hardship to the public.

CHAPTER 192-23 WAC
((CONDITIONAL PAYMENT REGULATIONS))
BENEFIT PAYMENT REGULATIONS

AMENDATORY SECTION (Amending Order 4-84, filed 6/18/84)

WAC 192-23-011 FAILURE TO PROVIDE DETAILS OF EMPLOYMENT. (1) If a claimant reports that he or she had work or earnings for one or more weeks ((or)), and fails to ((indicate whether he or she had work or earnings)) provide employer name and address information and fails to respond to a request for ((subsequent)) employer name and address information ((with respect to the work and earnings)), the claimant will be presumed to be not unemployed as defined in RCW 50.04.310 and therefore not eligible for benefits pursuant to RCW 50.20.010.

(2) If a claimant reports that he or she has received or will receive remuneration for a week(s) not yet claimed and subsequently claims benefits for such week(s) without providing employer name and address information and the amount of remuneration, and fails to respond to a request to provide such information, the claimant will be presumed to be not unemployed as defined in RCW 50.04.310 and therefore not eligible for benefits pursuant to RCW 50.20.010.

(3) The denial of benefits authorized by this section is ((a denial)) for a definite period of time((-being)) and applies only to the week or weeks for which work and earnings information is incomplete.

AMENDATORY SECTION (Amending Order 4-84, filed 6/18/84)

WAC 192-23-012 FAILURE TO PROVIDE DETAILS ON HOLIDAY AND/OR VACATION PAY. (1) If a claimant certifies that he or she has received holiday and/or vacation pay and the amount, ((or fails to certify whether he or she has received holiday or vacation pay)) and fails to respond to a request for specific information with respect to ((provide details of)) the holiday and/or vacation pay, the ((individual)) claimant will be presumed to be not unemployed as defined in RCW 50.04.310 and subject to denial pursuant to RCW 50.20.010.

(2) If a claimant reports that he or she has received or will receive remuneration for a week(s) not yet claimed and subsequently claims benefits for such week(s) without providing employer name and address information and the amount of remuneration, and fails to respond to a request to provide such information, the claimant will be

presumed to be not unemployed as defined in RCW 50.04.310 and therefore not eligible for benefits pursuant to RCW 50.20.010.

(3) The denial of benefits authorized by this section is ((a denial)) for a definite period of time((-being)) and applies only to the week or weeks for which vacation and/or holiday pay information is incomplete.

AMENDATORY SECTION (Amending Order 4-84, filed 6/18/84)

WAC 192-23-014 FAILURE TO ESTABLISH ABILITY TO OR AVAILABILITY FOR WORK. (1) If a claimant certifies that he or she was not able to work or not available for work in any week or fails to certify whether he or she was able to work or was available for work, and fails to respond to provide details relating to his or her ability to and or availability for work, the claimant will be presumed to be not able or not available for work and subject to denial of benefits pursuant to RCW 50.20.010(3).

((2)) The denial of benefits authorized by this section is ((a denial)) for a definite period of time((-being)) and applies only to the week or weeks for which information on the claimant's ability to work or availability for work is incomplete.

(2) If a claimant certifies to a condition of continuing ineligibility and provides information supporting a finding that he or she is not able to work or not available for work because of a circumstance expected to continue beyond the immediate week or weeks claimed, and if the claimant fails to respond to a request to provide information regarding his or her ability to and or availability for work, the individual shall be subject to denial of benefits pursuant to RCW 50.20.010(3).

The denial of benefits authorized by this section is indefinite in nature, and will be applied beginning with the first week claimed to which the circumstances apply and remain in effect until the circumstances no longer exist.

AMENDATORY SECTION (Amending Order 4-84, filed 6/18/84)

WAC 192-23-016 FAILURE TO MEET WORK SEARCH REQUIREMENTS. (1) If a claimant has been directed pursuant to WAC 192-24-030 to meet specific work search requirements, fails to report a work search that meets those requirements, and fails to respond to a request to provide additional work search information or responds with information that does not meet the specific requirements, the ((individual)) claimant will be presumed to be not actively seeking work as directed and subject to denial pursuant to RCW 50.20.010(3).

(2) The denial of benefits authorized by this section is ((a denial)) for a definite period of time((-being)) and applies only to the week or weeks for which work search information does not meet specific work search requirements.

NEW SECTION

WAC 192-23-018 FAILURE TO REPORT IN PERSON TO REOPEN A CLAIM FOR BENEFITS AFTER A BREAK IN CLAIM SERIES. (1) If, after a break in weeks claimed, a claimant submits a claim for benefits without reporting in person to reopen his or her claim during the first week for which the claimant wishes to be eligible for benefits, and fails to respond to a request to report in person to reopen his or her claim or fails to establish good cause for failure to report in person to reopen his or her claim, the claimant will be subject to denial pursuant to RCW 50.20.010(1).

(2) The denial of benefits authorized by this section is indefinite in nature, and will remain in effect until the individual reports in person to reopen his or her claim.

AMENDATORY SECTION (Amending Order 4-84, filed 6/18/84)

WAC 192-23-051 FAILURE TO PROVIDE DETAILS ON SEPARATION FROM EMPLOYMENT. If a claimant reports no work or earnings in a week following a week during which work and earnings were reported ((or in which he or she did not certify whether there were work and earnings or submits a claim after a break in reporting without reporting in person)) and does not provide complete employer and separation information, and does not respond to a request to supply complete employer and separation information, the ((individual)) claimant will be presumed to have voluntarily left work without good cause and will be ((subject to denial)) denied pursuant to RCW 50.20.050.

(1) A separation from employment occurs whenever the employer-employee relationship is interrupted or ended. For the purpose of this section a separation from employment occurs whenever:

- (a) An employee is not scheduled to work for a period of one week or more.
 - (b) A claimant has a week with no earnings following a week in which the claimant had earnings.
- (2) For the purpose of this section, complete employer and separation information consists of the following items:
- (a) Name of employer,
 - (b) Complete address of employer,
 - (c) Last day worked,
 - (d) Reason for separation from employment,
 - (e) Information on hours worked and earnings if not previously reported.

(3) ~~((A "break in reporting" is any period of one or more weeks for which no continued claim forms are submitted.))~~

~~((4))~~ The denial of benefits authorized by this section is indefinite in nature, and will ~~((be applied))~~ remain in effect until the claimant meets the requalification provisions of RCW 50.20.050.

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

AMENDATORY SECTION (Amending Order 4-84, filed 6/18/84)

WAC 192-23-800 ~~((CLAIMANT))~~ CERTIFICATION OF INELIGIBILITY. (1) If a claimant submits a claim form certifying that he or she was not available for work, or was not able to work on one or two days of a week or weeks being claimed, and if the day or days to which the condition of ineligibility applies are normal working days in the claimant's regular occupation, and if the information supplied clearly supports this certification, benefits shall be reduced pursuant to RCW 50.20.010(3) without requiring additional information or interview.

The denial of benefits authorized by this section is for a definite period of time and applies only to the day or days for which the claimant specifically indicates ineligibility.

(2) If a claimant submits a claim form certifying that he or she was not available for work, or was not able to work for three or more days of a week or weeks being claimed, and if the days to which the condition of ineligibility applies are normal working days in the claimant's regular occupation, ~~((and not seeking work))~~ and ~~((providing additional))~~ if the information ~~((which))~~ supplied clearly supports ~~((such))~~ this certification ~~((and which includes an unconditional statement of ineligibility, the submission of the form does not rise to the level of a claim for benefits and the claimant may be denied benefits))~~ benefits shall be denied pursuant to RCW 50.20.010 ~~((2))~~ (3) without requiring additional information or interview.

The denial of benefits authorized by this section is for a definite period of time and applies only to the week or weeks for which the claimant specifically indicates ineligibility.

(3) If a claimant submits a claim form certifying to a condition of continuing ineligibility and the information supplied clearly supports a finding that he or she is not able to work or not available for work because of a circumstance expected to continue beyond the immediate week or weeks claimed, benefits shall be denied pursuant to RCW 50.20.010(3) without requiring additional information or interview.

The denial of benefits authorized by this section is indefinite in nature and will be applied beginning with the first week claimed to which the circumstance applies and will remain in effect until the circumstance no longer exists.

(4) If a claimant submits a claim form with information clearly certifying that he or she does not intend to claim benefits for the week or weeks, benefits shall be denied pursuant to RCW 50.20.010(2) without requiring additional information or interview.

~~((2))~~ The denial ~~((under))~~ of benefits authorized by this section is for a definite ~~((in nature))~~ period of time and applies only to the week or weeks for which the claimant specifically indicates ineligibility.

(5) Any denial of benefits issued pursuant to this section shall be issued without delay.

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

AMENDATORY SECTION (Amending Order 4-84, filed 6/18/84)

WAC 192-23-810 ~~((CLAIMANT))~~ CERTIFICATION OF RETURN TO FULL-TIME WORK OR REPORT OF HOURS WORKED CONSISTENT WITH FULL-TIME WORK. (1) If a claimant certifies that he or she has returned to full-time work ~~((and))~~ or reports hours worked consistent with ~~((a return to))~~ full-time work for that occupation, ~~((but fails to provide specific earnings information,))~~ the certification ~~((of return to full-time work and hours worked))~~ shall be sufficient to determine that the ~~((individual))~~ claimant is no longer an unemployed individual as defined in RCW 50.04-310 and is subject to denial pursuant to RCW 50.20.010 without requiring additional information or interview.

(2) The denial ~~((under))~~ of benefits authorized by this section is for a definite ~~((in nature))~~ period of time, and applies only to the week or weeks claimed at the time of the certification of return to full-time work or report of hours worked consistent with full time work.

(3) Any denial of benefits issued pursuant to this section shall be issued without delay.

WSR 87-08-050

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

[Memorandum—April 1, 1987]

**STATE/EPA AGREEMENT
NOTICE OF PUBLIC WORKSHOPS AND
HEARING**

The Washington Department of Ecology (Ecology), the Washington Department of Social and Health Services (DSHS) and the U.S. 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 1988 (July 1, 1987 - June 30, 1988). The State/EPA Agreement (SEA) contains priorities for water quality, drinking water, hazardous waste and air quality.

Two workshops will provide opportunity for early comment on proposed priorities. A public hearing will provide opportunity for comments on final draft documents. Written comments will also be accepted by Ecology until June 5.

Workshops

April 20, 1987
1:00 p.m. Spokane County Public Health Building
Room 140, West 1101 College
Spokane, Washington

April 22, 1987
1:00 p.m. Port of Seattle
Pier 66, 2201 Alaskan Way
Seattle, Washington

Public Hearing

June 2, 1987
7:00 p.m. EFSEC, Hearing Room
4224 6th Avenue S.E., Building 1
Lacey, Washington

Draft SEA documents will be available to the public after May 1, 1987, at Ecology headquarters (Lacey), Ecology regional offices (Tumwater, Redmond, Yakima and Spokane), DSHS headquarters (Tumwater), and EPA offices (Seattle and Lacey).

Submit written comments or requests for documents to:
Karen Johnson, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, phone (206) 459-6148.

WSR 87-08-051
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Funeral Directors and Embalmers)
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Funeral Directors and Embalmers intends to adopt, amend, or repeal rules concerning:

New WAC 308-48-075 Display of licenses.
New WAC 308-48-210 Establishment licensure;

that the agency will at 9:30 a.m., Wednesday, May 6, 1987, in the Peninsula East Room, Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.39.145, 18.39.148 and 18.39.100.

The specific statute these rules are intended to implement is RCW 18.39.145, 18.39.148 and 18.39.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 6, 1987.

Dated: March 25, 1987

By: Robert VanSchoorl
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Funeral Directors and Embalmers.

Title: WAC 308-48-075 Display of licenses; and 308-48-210 Establishment licensure.

Description of Purpose: To amend rules relating to general establishment licensure, branches of a general establishment and display of licenses.

Statutory Authority: RCW 18.39.145, 18.39.148 and 18.39.100.

Summary of Rules: WAC 308-48-075 states the acceptable license that must be displayed at every location the licensee is employed; and 308-48-210 states the general funeral establishment's responsibility to identify all locations of the establishment subject to inspection and regulation and sets forth the terms and conditions of branch establishments.

Reasons Supporting Proposed Action: To provide protection for the public by identifying all locations of funeral establishments for inspection and regulation purposes; and to assure the public by the display of legal licenses that licensees are performing authorized services.

Responsible Personnel: In addition to the Board of Funeral Directors and Embalmers, the following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing

these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9649, Olympia, WA 98504, phone (206) 753-3199 comm or 234-3199 scan.

Proponents: Washington State Board of Funeral Directors and Embalmers.

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 and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

NEW SECTION

WAC 308-48-075 DISPLAY OF LICENSES. (1) A licensee must display a license in each location where he/she is employed. Legal duplicates provided by the department at a fee to be determined by the director will be displayed when a licensee is employed at more than one location. The display of photocopies is prohibited.

NEW SECTION

WAC 308-48-210 ESTABLISHMENT LICENSURE. (1) It is the intent of the board that the establishment licensure process serve to protect consumers by identifying to the department all locations subject to inspection and regulation. Establishments are encouraged to procure an individual license for each location.

(2) Branches of an establishment may operate under the general license of the establishment, pursuant to RCW 18.39.145 and RCW 18.39.148 and the following terms and conditions:

(a) Branch(es) must operate under the same name as the general establishment.

(b) Branch(es) must be identified by location on the general establishment license.

(c) Branch(es) must display a duplicate of the general license.

(d) Branch(es) must have a licensed funeral director and embalmer in its employ and available to provide any services requiring the professional skills of a licensee.

(e) The failure of a branch to meet the standards of an establishment may result in cancellation of the entire general establishment license, pursuant to RCW 18.39.148.

WSR 87-08-052
PROPOSED RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Professional Engineers and Land Surveyors intends to adopt, amend, or repeal rules concerning the amending of WAC 196-12-010, 196-12-020, 196-16-007, 196-16-010, 196-20-020, 196-20-030, 196-24-050, 196-24-085 and 196-27-020; adding new sections WAC 196-24-100, 196-24-105 and 196-24-110; and repealing WAC 196-24-070 and 196-08-085;

that the agency will at 9:00 a.m., Friday, May 8, 1987, in the Seattle Marriott, City Suite, 3201 South 176th Street, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.43.035.

The specific statute these rules are intended to implement is RCW 18.43.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 7, 1987.

Dated: March 18, 1987

By: Rick Notestine
Registrar

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Registration for Professional Engineers and Land Surveyors.

Purpose: To amend the information requirements on examination applications, necessary work experience and evaluation of work experience, guidelines for professional practice, the rule relative to applications for examination, and the experience requirements; to repeal WAC 196-08-085 and 196-24-070; and to establish criteria for evaluating experience, a regular public meeting, the procedures relative to review of examinations, and certain land surveying standards.

Statutory Authority: RCW 18.43.035.

Summary of the Proposed Rules: WAC 196-12-010 is amended to require that a new application be made by one who has failed to pass an examination, or failed to appear for an examination; WAC 196-12-020 amends the criteria by which the board determines the relevant experience of examination candidates; WAC 196-08-085, which required hearings within three months following a statement of charges is repealed, as the rule is no longer consistent with applicable provisions of chapter 18.43 RCW; WAC 196-20-020 is amended to revise the criteria used by the board in evaluating experience; amends provisions in WAC 196-20-030 relative to the engineer-in-training examination; amends WAC 196-24-050 to make clear that criteria upon which the board will grant additional branch registration to engineers; amends WAC 196-24-085 to provide that nonresident land surveyors will not be allowed to practice in Washington unless licensed by the board; new WAC 196-24-100 establishes June as the board's regular public meeting and establishes that board officers shall hold their office for one year, commencing July 9th; establishes an examination review process as per WAC 196-24-105; establishes certain professional standards for licensed professional land surveyors; repeals WAC 196-24-070; WAC 196-27-020 is modified to include new canons for professional practice; WAC 196-16-007 is modified to require that new applications be filed by candidates who have failed a previous examination or failed to appear for a previous examination; and amends WAC 196-16-010 relative to relevant experience for a person seeking registration as a professional land surveyor.

Reasons Proposed: To enhance the ability of the Washington State Board of Registration for Professional Engineers and Land Surveyors to serve the public.

Responsible Personnel: In addition to the board and its registrar, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing

and repealing these rules: Roy A. Avent, P.E., Chairman, Jerry C. Olson, P.E., P.L.S., Alfred E. Byrne, P.E., Robert G. Clark, P.E., Robert D. Cray, P.L.S., Wesley Taft, P.E., Wilho Williams, P.E.

Registrar: Rick Notestine.

Board Address and Telephone: Washington State Board of Registration for Professional Engineers and Land Surveyors, Quince Street Building, P.O. Box 9649, Olympia, Washington 98504, (206) 753-6966.

Proponents of the Proposed Rule: Washington State Board of Registration for Professional Engineers and Land Surveyors.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or of federal or state court action.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-12-010 APPLICATIONS. The deadline for receipt of applications properly filled out and accompanied by the application fee is four months before the date of the examination. Verification of the applicant's claimed experience must be in the board office three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Lack of verification of experience will also cause the application to be held for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the next examination which they intend to take. ~~((An entire application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the previous examination. However, a new application is required every five years, after board approval of the initial application, to reactivate an application or maintain examination eligibility.))~~

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-12-020 EXPERIENCE RECORDS. (1) Evaluation of records: The basic requirement for registration as a professional engineer is a specific record of eight years or more of approved experience in engineering work of a professional grade. The provisions of the law are that any experience by college study, as defined below, must be substantiated by an official transcript, the supplying of which is the responsibility of the applicant.

(a) Graduation in an approved engineering college curriculum of four years is equivalent to four years of the required experience.

(b) Satisfactory completion of each year of such an approved engineering curriculum is equivalent to one year of experience.

~~(c) ((Graduation in a curriculum other than engineering will be evaluated by the board:~~

~~(d) Postgraduate study in engineering may be given credit up to one year:~~

~~(e) Engineering teaching of a character satisfactory to the board may be recognized as engineering experience, up to a maximum of two years.))~~

Graduation in a program in engineering technology approved by the accreditation board for engineering and technology (ABET) is equivalent to three years of required experience. Satisfactory completion of each year of such an approved program is equivalent to three-fourths of one year of experience.

(d) Graduation in a program in engineering technology from a non-ABET approved curricula, however approved by the board, is equivalent to two years of required experience. Satisfactory completion of each year of such a program is equivalent to one-half of one year of experience.

(e) Satisfactory completion of each year of a nonapproved curriculum in engineering may be granted up to a maximum of one-half of one year of experience. Coursework in such a program must be equivalent to that of an approved curriculum to grant maximum experience credit.

(f) Graduation in a curriculum other than engineering will be evaluated by the board.

(g) Postgraduate study in engineering may be given credit up to one year. A postgraduate degree must be obtained to be granted maximum experience credit.

(h) Applicants having degrees from outside the United States or Canada shall be required to have their transcripts evaluated by a transcript evaluation service approved by the board. This evaluation will be performed at the applicant's expense, and the applicant will be responsible for submitting all the necessary information to the evaluation service. The board shall not take any action on an application until the report from the evaluation service and all other documents are received.

(2) Colleges recognized by the board: All student's credits from curricula approved by the accreditation board for engineering and technology are accepted. In the state of Washington student's credits from other curricula than those approved by the accreditation board for engineering and technology may be accepted at the discretion of the board.

(3) In evaluating the work experience required to qualify for registration, the following criteria will be used:

(a) In the normal educational sequence, experience gained between semesters or quarters will not be considered as professional experience.

(b) In situations where the experience/educational track is intermixed with a degree attained late in the sequence, educational achievement will not be counted in addition to work experience in determining total experience. However, professional work experience will not necessarily be considered as starting subsequent to graduation but will be evaluated in total with consideration given to progression in level of technical complexity and responsibility.

(c) Where a degree is not attained, but at least three years of education in an approved curriculum has been completed prior to a work experience track, the education will be considered in conjunction with the work experience in determining the total years of experience.

(d) Engineering teaching of a character satisfactory to the board may be recognized as professional level experience up to a maximum of two years.

(e) Any work experience gained in a situation which violates the provisions of chapter 18.43 RCW or Title 196 WAC will not be credited towards the statutory experience requirement.

(f) The statutory experience requirement to qualify for examination must be completed sixty days prior to the date of examination. Furthermore, the applicant is to provide the necessary verification of said experience up to the sixty-day limit.

(4) An applicant must have passed the first stage of the examination and be enrolled as an E.I.T. in accordance with WAC 196-12-050 before applying for the second stage or branch examination.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-16-007 APPLICATIONS. The deadline for receipt of a properly completed application accompanied by the required application fee is four months prior to the date of the examination. Response from applicant's references must be in hand three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Late responses from references will also cause the application to be held for consideration for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the examination which they intend to take. ~~((A new application is not required where an applicant has taken the previous examination and failed or has filed and failed to appear for the previous examination. However, a new complete application is required every five years after approval by the board until registration in Washington state is obtained:))~~

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-16-010 EXPERIENCE RECORDS. The first requirement of the law for registration as a professional land surveyor is a minimum of six years of approved professional experience in land surveying. One year of the required experience must be in responsible charge of boundary surveying in the field and one year must be in a supervisory capacity in the office, which includes but is not limited to

preparation of legal descriptions and record documents, survey and description research, computations and client/public contact. ~~((The provisions of the law are that:))~~

(1) Graduation in a ((recognized)) land surveying curriculum of four years or more ((from a college recognized)) approved by the accreditation board for engineering and technology or approved by the board is equivalent to four years of the required experience.

(2) Satisfactory completion of each year of such ((recognized course)) approved curriculum is equivalent to one year of experience.

(3) ((Graduation in any curriculum not recognized in (1) or (2) above will be evaluated by the board. It is the responsibility of the applicant to see that the board is furnished an official transcript of his college record when education is claimed as experience.

(4) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of one year.

(5) Construction staking shall not be applicable toward the required six years of experience.

(6) A registered professional engineer who applies to be examined to become registered as a land surveyor must meet the requirements stated within this section:)) Satisfactory completion of each year of a non-approved land surveying curriculum may be granted up to a maximum of one-half of one year of experience. Course work in such a curriculum must be equivalent to that of an approved curriculum to grant maximum experience credit.

(4) The normal educational sequence experience gained between semesters or quarters will not be considered as professional experience.

(5) In situations where the experience/educational track is intermixed with a degree attained late in the sequence, educational achievement will not be counted in addition to work experience in determining total experience. However, professional work experience will not necessarily be considered as starting subsequent to graduation but will be evaluated in total with consideration given to progression in level of technical complexity and responsibility.

(6) Land surveying teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of one year.

(7) Construction staking and engineering related survey work shall not be applicable toward the required six years of experience.

(8) Any work experience gained in a situation which violates the provisions of chapter 18.43 RCW or Title 196 WAC will not be credited towards the statutory experience requirement.

(9) The statutory experience requirement to qualify for examination must be completed sixty days prior to the date of examination. Furthermore, the applicant is to provide the necessary verification of said experience up to the sixty-day limit.

(10) A registered professional engineer who applies to be examined to become registered as a land surveyor must meet the requirements stated within this section.

AMENDATORY SECTION (Amending Rule IB, filed 8/4/64)

WAC 196-20-020 EXPERIENCE. The law requires the completion of four years of experience prior to taking the engineer-in-training examination. ~~((This requirement may be fulfilled in either of two ways:))~~ The following criteria will be used in evaluating education and/or work experience.

(1) Graduation in an approved engineering curriculum of four years or more from a school or college recognized by the board, is equivalent to the four-year experience requirement.

(2) Four years or more of professional level experience in engineering work, of a character acceptable to the board, is equivalent to the four-year experience requirement.

(3) The criteria established in WAC 196-12-020 will be used to evaluate the applicant's education and/or work experience.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-20-030 EXAMINATIONS. (1) The engineer-in-training examination is given twice each year at times and places as will from time to time be designated by the board. The schedule of future examinations may be obtained from the board office. The examination is of one day's duration and consists of two sessions, one in the morning and one in the afternoon. It covers mathematics, physical sciences, and other general engineering related subjects.

(2) Persons who may normally expect to graduate ((within three months after a)) prior to the next regularly scheduled E.I.T. examination may sit for that examination. In cases where college graduation is

claimed an applicant who passes the examination will not be enrolled as an E.I.T. until an official college transcript showing completion of the four-year requirement is filed with the board office.

(3) Those who pass this examination will be enrolled as engineers-in-training ~~((and are excused from taking the engineering fundamentals examination. The E.I.T. passing grade will not be weighted in the professional examination but will be qualifying only)).~~ An applicant must be enrolled as an E.I.T. before applying for the second stage or branch examination.

(4) All examinations will be given with open book unless otherwise specified by the board.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-24-050 EXAMINATIONS. (1) The branches in which certificates of registration are presently issued are: Aeronautical, agricultural, ceramic, chemical, civil, electrical, fire protection, industrial, logging, mechanical, metallurgical, mining, naval architecture and marine engineering, and nuclear. The branches of sanitary and structural engineering are considered to be specialized branches. An applicant for any specialized branch is required to hold a current registration in the state of Washington, in one of the regular branches. Applicants shall have not less than two years of professional experience in the additional branch in which the applicant seeks registration, over and above the requirements for professional registration (statutory eight years).

The examination in structural engineering shall be of two days duration. Examination in sanitary engineering shall be of one day duration.

Certificates of registration will also be issued in land surveying.

All examinations are given at times and places as will be designated by the board. The schedule of future examinations may be obtained from the board office.

(2) Applicants for registration by reciprocity from states, territories, districts, or countries who have been issued certificates of registration without examination or in instances where such governmental body does not grant certificates of registration to regularly qualified registrants of the state of Washington will be required to sit for an examination to test the skill, knowledge, and other professional attributes of the applicant.

(a) The examination will be given in the branch chosen by the applicant from the list of regular branches given by this board.

(b) Such examinations are given after the board has approved the applicant's request.

(c) In cases where an applicant is issued a certificate of registration by his governmental body in a branch not included in the list of regular branches (subsection (1) of this section) the board will examine such an applicant in a regular branch of his choice, presumably the one closest to his specialty.

(3) One designation as professional engineer and/or land surveyor will be issued by reciprocity. Each added designation requires a new application. ~~((All added branches will be authorized by passing a regular examination, except applicants who may be granted registration))~~ Any additional branch designations will be authorized after the applicant has passed a regular examination in the branch, except that applicants may be granted registration in the additional branch without further examination provided they have successfully passed an examination equivalent to that given in the state of Washington, in a state, territory, possession, district, or country, which grants like reciprocity to the state of Washington registrants.

(4) All examinations ~~((are))~~ will be given with open book unless otherwise specified by the board.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-24-085 INFORMATION REQUIRED OF NON-RESIDENTS INTENDING TO PRACTICE THIRTY DAYS OR LESS IN A CALENDAR YEAR. Every nonresident engineer ~~((or land surveyor))~~ who intends to conduct professional practice under the exemption of subsection (2) of RCW 18.43.130, shall furnish the board, prior to the commencement of such work with the following information:

- (1) Name and place of his residence.
- (2) Jurisdiction where currently registered.
- (3) Imprint of professional seal.

(4) Dates work is to be started and terminated in the state of Washington.

(5) Name and address of client.

(6) Type, location of job and regulating authority (if applicable). Nonresident land surveyors will not be allowed to practice in Washington unless licensed under the provisions of chapter 18.43 RCW.

NEW SECTION

WAC 196-24-100 MEETINGS AND OFFICERS. The Washington state board of registration for professional engineers and land surveyors shall hold its regular public meeting annually in June. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

At the regular annual meeting the board shall elect a chairman and vice-chairman to hold office for one year commencing July 9. The registrar of the board shall serve as secretary. A vacancy in any office shall be filled for the remainder of the term by special election at the next special public meeting.

NEW SECTION

WAC 196-24-105 EXAMINATION REVIEW. The following conditions shall apply to all examinations administered by the board:

First time examinees shall not be allowed to view any examination material prior to taking the examination other than syllabi available to the public or sample examination booklets published by the National Council of Engineering Examiners.

Examinees who achieve a passing score will not be permitted to review their examination.

Failing examinees may review their examination (test booklet, answer sheet or solution pamphlet and answer key) during a period up to ninety days from the date of the examination result letter. This review shall be under the following conditions:

(1) An examinee shall be able to review his/her examination one time only. This review shall be arranged in advance by appointment with office staff.

(2) All examination reviews shall be conducted in the presence of a member of the office staff. No one may accompany the examinee during the examination review.

(3) In regard to any examinations consisting of machine scored answer sheets, the examinee shall be allowed to review a copy of his/her answer sheet.

(4) Note taking shall be limited to examination scoring and general problem subject matter. No detailed notes depicting any portion of an examination question or solution will be permitted.

(5) Board of registration staff shall supply the examinee with writing materials for taking notes.

(6) All notes must be reviewed by board staff prior to the examinee leaving the office.

(7) All examination appeals shall be conducted in conformance with the policies and procedures adopted by the board. Any questions pertaining to an appeal of examination scoring shall be directed to supervisory staff.

NEW SECTION

WAC 196-24-110 LAND SURVEYING STANDARDS. Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the Survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43.105(11).

The following standards shall also apply:

(1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the "practice of land surveying" as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of

the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.

(4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:

(a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.

(b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-070 CORRESPONDENCE.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-27-020 FUNDAMENTAL CANONS AND GUIDELINES FOR PROFESSIONAL PRACTICE. (1) Registrants shall hold paramount the safety, health, and welfare of the public in the performance of their professional duties.

(a) Registrants shall recognize that the lives, safety, health, and welfare of the general public are dependent upon engineering/land surveying judgments, decisions, and practices incorporated into structures, machines, products, processes, and devices.

(b) Registrants shall approve or seal only those design documents, prepared by them or under their direct supervision, which are determined to be safe for public health and welfare in conformity with accepted standards.

(c) Registrants whose professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered shall inform their clients or employers of the possible consequences.

(d) Registrants who have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of chapter 18.43 RCW or these rules of professional conduct shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required.

(2) Registrants shall perform services only in areas of their competence.

(a) Registrants shall undertake to perform assignments only when qualified by education or experience in the technical field of engineering or land surveying involved.

(b) Registrants may accept an assignment requiring education or experience outside their own fields of competence, provided their services are restricted to those phases of the project in which they are qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.

(c) Registrants shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education or experience or to any such plan or document not prepared under their supervisory control.

(3) Registrants shall issue public statements only in an objective and truthful manner.

(a) Registrants should endeavor to extend the public knowledge of engineering or land surveying and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding said professions.

(b) Registrants shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.

(c) Registrants when serving as expert witness, shall express an engineering or land surveying opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(d) Registrants shall issue no statements, criticisms, or arguments on engineering or land surveying matters which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements are made.

(4) Registrants shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

(a) Registrants shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances which could influence their judgment or the quality of their services.

(b) Registrants shall not accept compensation from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

(c) Registrants shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(d) Registrants in public service as members, advisors, or employees of a governmental body or department shall not participate in considerations or actions with respect to services solicited or provided by them or their organization in private or public engineering/land surveying practice.

(e) Registrants shall advise their employers or clients when, as a result of their studies, they believe a project will not be successful.

(f) Registrants shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

(g) Registrants shall not accept professional employment outside of their regular work or interest without the knowledge of their employers.

(5) Registrants shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

(a) Registrants shall not give, solicit or receive either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(b) Registrants should negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(c) Registrants shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(d) Registrants shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(e) Registrants may advertise professional services in a way that does not contain self-laudatory or misleading language.

(f) Registrants shall not participate in a selection process or be employed in an assignment where said selection was awarded by a process determined to be in violation of chapter 39.80 RCW.

(6) Registrants shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.

(7) Registrants shall respond to any legal request for information by the board and/or appear before the board in the time frame established by the board or their staff designee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-08-085 HEARINGS ON CHARGES TO BE HEARD WITHIN THREE MONTHS.

**WSR 87-08-053
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed April 1, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to gas utility least cost

planning, WAC 480-90-191. The proposed section is shown below as Appendix A, Cause No. U-86-142. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed section on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, May 6, 1987, in the Commission's Hearing Room, Second Floor, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.28.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 1, 1987.

Dated: April 1, 1987

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of adopting WAC 480-90-191 relating to gas utility least cost planning.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.160, which direct that the commission has authority to implement the provisions of chapter 80.28 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to require gas utilities regulated by the commission to develop and present "least cost plans" for the purpose of obtaining additional sources of energy supply or reduction in energy demand for the least total cost to utilities and to ratepayers, specifying the general nature of the planning process, and the general format of the plans.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, phone (206) 753-6451, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.160.

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

The rule change proposed will affect no economic values.

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

NEW SECTION

WAC 480-90-191 LEAST COST PLANNING. (1) Purpose and process. Each gas utility regulated by the commission has the responsibility to meet system demand at the least cost to the utility and its ratepayers. Therefore, a "least cost plan" shall be developed by each gas utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public shall be required. Each planning cycle will begin with a letter to the company from the commission secretary. The content and timing of, and reporting for the least cost plan and the public involvement strategy shall be outlined in a work plan developed by the company after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the strategies for purchasing gas and improving the efficiencies of gas use that will meet current and future needs at the lowest cost to the utility and its ratepayers consistent with needs for security of supply.

(3) Each gas utility shall submit to the commission on a biennial basis a least cost plan that shall include:

(a) A range of forecasts of future gas demand in firm and interruptible markets for each customer class for one, five, and twenty years using methods that examine the impact of economic forces on the consumption of gas and that address changes in the number, type, and efficiency of gas end-uses.

(b) An assessment for each customer class of the technically feasible improvements in the efficient use of gas, including load management, as well as the policies and programs needed to obtain the efficiency improvements.

(c) An analysis for each customer class of gas supply options, including:

(i) A projection of spot market versus long-term purchases for both firm and interruptible markets;

(ii) An evaluation of the opportunities for using company-owned or contracted storage or production;

(iii) An analysis of prospects for company participation in a gas futures market;

(iv) An assessment of opportunities for access to multiple pipeline suppliers or direct purchases from producers.

(d) A comparative evaluation of gas purchasing options and improvements in the efficient use of gas based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (twenty-year) least cost plan describing the strategies designed to meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan shall include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings before the commission.

WSR 87-08-054

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed April 1, 1987]

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 Resignation—Withdrawals, WAC 251-10-020;

that the agency will at 9:00, Friday, May 15, 1987, in the Robert Smith Building, Room RS79, South Seattle Community College, Seattle, Washington, conduct a public hearing on the proposed rules.

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

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 14, 1987.

Dated: April 1, 1987

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on April 1, 1987, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-10-020 Resignation—Withdrawals.

Description of Purpose: To specify more clearly the conditions of resignation.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Summary of Rule: The proposed rule modification sets forth the conditions specific to resignation and right of withdrawal of resignation by employee as well as withdrawal permitted by employing official.

Reasons Supporting Proposed Action: The Higher Education Personnel Board has determined, as a result of appeals it has heard, that present rule language does not provide sufficient standards for processing resignations.

Agency Personnel Responsible for Drafting, Implementing and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-020 RESIGNATION—WITHDRAWALS. (1) Any employee may resign from service and should present, at least fourteen calendar days in advance of the effective date, his/her resignation either orally or in writing to the ~~((appointing authority or))~~ employing official. ~~((With the approval of the appointing authority or))~~ employing official, an employee may withdraw a resignation:))

(2) A permanent employee has the right to withdraw his/her resignation provided written notice containing adequate reason or justification for withdrawal is received by the institution within three working days after submitting the resignation.

(3) An employing official may permit withdrawal of a resignation at any time prior to the position being refilled.

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 87-08-055

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed April 1, 1987]

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 Resignation—Withdrawals, WAC 251-10-020;

that the agency will at 9:00, Friday, May 15, 1987, in the Robert Smith Building, Room RS79, South Seattle Community College, Seattle, Washington, conduct a public hearing on the proposed rules.

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

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 14, 1987.

Dated: April 1, 1987

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on April 1, 1987, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-10-020 Resignation—Withdrawals.

Description of Purpose: To specify more clearly the conditions of resignation.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Summary of Rule: The proposed rule modification sets forth the conditions specific to resignation and right of withdrawal of resignation by employee, provided the date of the resignation has not passed, as well as withdrawal permitted by employing official.

Reasons Supporting Proposed Action: The Higher Education Personnel Board has determined, as a result of appeals it has heard, that present rule language does not provide sufficient standards for processing resignations.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Personnel Board, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-020 RESIGNATION—WITHDRAWALS. (1)
 Any employee may resign from service and should present, at least fourteen calendar days in advance of the effective date, his/her resignation either orally or in writing to the ~~((appointing authority or))~~ employing official. ~~((With the approval of the appointing authority or employing official, an employee may withdraw a resignation.))~~

(2) A permanent employee has the right to withdraw his/her resignation provided that:

- (a) The effective date of the resignation has not passed, and
- (b) Written notice containing adequate reason or justification for withdrawal is received by the institution within three working days after submitting the resignation.

(3) An employing official may permit withdrawal of a resignation at any time prior to the position being refilled.

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 87-08-056

ADOPTED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 155—Filed April 1, 1987—Eff. May 1, 1987]

Be it resolved by the Higher Education Personnel Board, acting at Pierce College, Tacoma, Washington, that it does adopt the annexed rules relating to:

- New WAC 251-07-010 Classified employee files—General provision.
- New WAC 251-07-020 Personnel files—Responsibility for.
- New WAC 251-07-030 Adverse materials.
- New WAC 251-07-040 Access.
- New WAC 251-07-050 Destruction or retention of information.
- New WAC 251-07-060 Employee rebuttal.
- New WAC 251-10-108 Preseparation or predisciplinary notice.
- Amd WAC 251-10-120 Dismissal/separation—Grounds for—Notice.
- Amd WAC 251-10-140 Immediate dismissal.
- Amd WAC 251-08-005 Compensation plans—General.
- Amd WAC 251-08-021 Compensation plans—Salary survey.
- Amd WAC 251-08-040 Compensation plans—Submission to governor.

This action is taken pursuant to Notice Nos. WSR 87-04-055, 87-04-056 and 87-04-057 filed with the code reviser on February 4, 1987. These rules shall take effect at a later date, such date being May 1, 1987.

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 20, 1987.

By John A. Spitz
 Director

Chapter 251-07 WAC
PERSONNEL FILES

WAC

- 251-07-010 Classified employee files—General provisions.
- 251-07-020 Personnel files—Responsibility for.
- 251-07-030 Adverse materials.
- 251-07-040 Access.
- 251-07-050 Destruction or retention of information.
- 251-07-060 Employee rebuttal.

NEW SECTION

WAC 251-07-010 CLASSIFIED EMPLOYEE FILES—GENERAL PROVISIONS. Each institution shall maintain an official file of each classified employee, showing a record of employment and such other information required for business and legal purposes. The burden of demonstrating the institution's business or legal need to know rests with the institution.

NEW SECTION

WAC 251-07-020 PERSONNEL FILES—RESPONSIBILITY FOR. The personnel officer of each institution is responsible for local administration and management of official classified employee personnel files.

NEW SECTION

WAC 251-07-030 ADVERSE MATERIALS. Employees shall be provided a copy of all adverse material placed in the official file at the time the material is included in the file.

NEW SECTION

WAC 251-07-040 ACCESS. Upon written request of an employee, the institution shall permit that employee to inspect any or all of his/her own official personnel file. The institution shall also permit the above inspection privilege to an employee's representative upon written authorization by the represented employee. Each institution shall make such file available within a reasonable period of time after the employee or his/her representative requests the file. Copies will be provided in accordance with the institution procedure.

NEW SECTION

WAC 251-07-050 DESTRUCTION OR RETENTION OF INFORMATION. (1) Information shall be retained as long as it has a reasonable bearing on the employee's job performance or upon the efficient and effective management of the institution except as provided in WAC 251-20-040(5).

Adverse material or information related to employee misconduct or alleged misconduct which is determined to be false and all such information in situations where the employee has been fully exonerated of wrong doing shall be promptly destroyed.

(2) Notwithstanding subsection (1) of this section, an institution may retain information relating to employee misconduct or alleged misconduct, if:

(a) The employee requests that the information be retained; or

(b) The information is related to pending legal action or legal actions may reasonably be expected to result.

NEW SECTION

WAC 251-07-060 EMPLOYEE REBUTTAL. The employee shall have the right to have placed in his/her own personnel file a statement of rebuttal or correction of information contained in the file within a reasonable period of time after the employee becomes aware that the information has been placed in the file.

NEW SECTION

WAC 251-10-108 PRESEPARATION OR PREDISCIPLINARY NOTICE. (1) Prior to dismissal, separation due to mental or physical incapacity, suspension, immediate dismissal, reduction in salary, or demotion of a permanent employee pursuant to WAC 251-10-120, 251-10-130, 251-10-140 or 251-10-150, the employing institution/related board shall make reasonable efforts to give the employee:

(a) Oral or written notice of the charges against the employee;

(b) An oral or written explanation of the evidence which forms the basis for the charges;

(c) An oral or written statement of the action being contemplated by the employing official; and

(d) A reasonable opportunity for the employee to present reasons, either orally or in writing, why the proposed action should not be taken.

(2) The requirement in subsection (1)(b) of this section shall not limit the employing institution/related board from presenting a more detailed and complete case at an appeal hearing if the proposed action is taken and the employee appeals.

AMENDATORY SECTION (Amending Order 125, filed 2/25/85, effective 4/1/85)

WAC 251-10-120 DISMISSAL/SEPARATION—GROUNDS FOR—NOTICE. Appointing authorities may dismiss or separate a permanent employee for just cause as specified in WAC 251-10-110. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the board. The notice shall be furnished at least fifteen calendar days prior to the effective date of the action (unless the dismissal action is to be effective ~~((immediately))~~) as provided in WAC 251-10-140) and shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee during his/her regularly scheduled working hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is postmarked and the notice

period shall be computed as provided in WAC 251-04-100. A copy of the notice to the employee shall be transmitted to the director.

AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

WAC 251-10-140 IMMEDIATE DISMISSAL. ~~((When the))~~ After completion of the procedure required in WAC 251-10-108, if an appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120; however, ((but)) the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-005 COMPENSATION PLANS—GENERAL. The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

~~((5))~~ (5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.

~~((6))~~ (6) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-021 COMPENSATION PLANS—SALARY SURVEY. (1) For purposes of reflecting in salary schedules and in the compensation plans the prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, the director shall undertake salary

and fringe benefit surveys for the board with the assistance of the various personnel officers and on a joint basis with the department of personnel, with ~~((one such))~~ a comprehensive survey to be conducted ~~((each))~~ in the year prior to the convening of ~~((each))~~ every other regular session of the state legislature. A trend survey will be conducted in the year prior to the convening of each regular session of the state legislature for which a comprehensive survey is not conducted.

(2) Salary and fringe benefit surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(a) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys; and

(b) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparison of survey data to individual state job classes.

(3) Salary and fringe benefit surveys shall be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of financial management, employee organizations, the standing committees for appropriations in the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include, but not be limited to, the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(4) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in

addition to basic salary data. The plans shall be developed jointly by the higher education personnel board and the department of personnel. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the higher education personnel board and the department of personnel. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(5) Any interim or special surveys conducted shall conform when possible to the statistical techniques and principles developed for regular periodic surveys.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-040 COMPENSATION PLANS—SUBMISSION TO GOVERNOR. (1) The results of ~~((the))~~ each comprehensive and trend salary and fringe benefit survey as adopted by the board shall be forwarded by the board with recommended salary adjustments to the governor and the director of the office of financial management for their use in preparing budgets to be submitted to the succeeding legislature. Such recommendation shall be advisory only. A copy of the data and supporting documentation shall be furnished by the board to the standing committees for appropriations of the senate and house of representatives.

(2) In the case of comprehensive salary and fringe benefit surveys, the board shall furnish the following supplementary data in support of its recommended salary schedule:

(a) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data.

(b) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(c) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the higher education personnel board with:

(i) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(ii) Those higher education personnel board classes which are substantially the same as classes being used by the department of personnel clearly marked to show the commonality of the classes between the two jurisdictions;

(d) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional

compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(e) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

WSR 87-08-057
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed April 1, 1987]

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 schedule of laboratory fees, WAC 16-32-010;

that the agency will at 1:00 p.m., Tuesday, May 5, 1987, in the Conference Room, Livestock Services, 2627-B Parkmont Lane S.W., Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 8, 1987.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 5, 1987.

Dated: April 1, 1987
 By: Mike Willis
 Assistant Director

STATEMENT OF PURPOSE

Title: Schedule of laboratory fees.

Description of Purpose: To establish a schedule of fees for animal diagnostic purposes.

Statutory Authority: Chapter 16.36 RCW.

Summary of Rules: Establishes a schedule of fees for animal diagnostic services.

Reason Supporting the Proposed Rule: Fees established by this rule are necessary to defray costs of diagnostic testing of animals. The fees match those charged by Washington State University, College of Veterinary Medicine and private diagnostic laboratories in the state.

Agency Personnel to Contact: Dr. Rolla C. Sexauer, State Veterinarian, Department of Agriculture, Livestock Services/Animal Health, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5040.

Agency Comment: None.

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

Small Business Economic Impact Statement: None.

Chapter 16-32 WAC
LIVESTOCK SERVICES—FEES

WAC
 16-32-010 Schedule of laboratory fees.

NEW SECTION

WAC 16-32-010 SCHEDULE OF LABORATORY FEES. (1)
 The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for Washington residents:

Bacteriology:

Aerobic culture (1-3 tissues).....	\$ 7.00
each additional culture.....	2.00
Antibiotic sensitivity tests.....	3.00
Anaerobic culture.....	10.00
Paratuberculosis (Johne's disease)	10.00
each additional sample in herd.....	3.00
Milk culture.....	7.00
each additional sample in herd.....	2.00
Mycology	10.00
Trichomoniasis and Campylobacteriosis.....	5.00

Serology:

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

Food animal:

Single virus or bacteria	
1st animal.....	5.00
each additional animal in herd.....	1.00

Combination tests:

Abortion screen (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)	
1st animal.....	15.00
each additional animal in herd.....	1.00

Companion animals:

Viral - 1st animal (EIA).....	10.00
each additional animal, same case.....	1.00

Bacterial (Brucella canis, Leptospirosis)

1st animal.....	15.00
each additional animal, same case.....	1.00

(2) The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for persons residing outside of the state of Washington:

Bacteriology:

Aerobic culture (1-3 tissues).....	\$ 10.00
each additional culture.....	3.00
Antibiotic sensitivity tests.....	4.00
Anaerobic culture.....	15.00
Paratuberculosis (Johne's disease)	15.00
each additional sample in herd.....	4.00
Milk culture.....	10.00
each additional sample in herd.....	3.00
Mycology	15.00
Trichomoniasis and Campylobacteriosis.....	2.00

Serology:

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

Food animal:

Single virus or bacteria	
1st animal	8.00
each additional animal in herd	2.00

Combination tests:

Abortion screen (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)	
1st animal	30.00
each additional animal in herd	3.00

Viral - 1st animal (EIA)	15.00
each additional animal, same case	3.00

Bacterial (Brucella canis, Leptospirosis)	
1st animal	23.00
each additional animal, same case	3.00

WSR 87-08-058
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1921—Filed April 1, 1987]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the fee for brand inspecting cattle, WAC 16-96-130.

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 brand inspection activities carried out by the department are essential to the orderly marketing of livestock and are funded solely by dedicated funds. The fund balance in the brand fund has declined steadily for several months. Historically, the second quarter of each year is the lowest revenue collection period of the year. The increase of brand inspection fees is necessary to ensure the stability of the fund through that period.

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

This rule is promulgated pursuant to RCW 16.57.220 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, 1987.

By Michael V. Schwisow
 Deputy Director
 [for] C. Alan Pettibone
 Director

AMENDATORY SECTION (Amending Order 1748 [1762], filed 9/9/81 [4/30/82])

WAC 16-96-130 BRAND INSPECTION FEES.
The fee for inspecting cattle and calves ((of-or)) for brands, and/or any other method of identifying cattle

and calves, shall be ((forty-five)) fifty cents per head, except at those public livestock markets in Oregon and Idaho, which are declared to be brand inspection points for Washington, where the fee shall be ((thirty)) thirty-five cents per head.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 87-08-059
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 1, 1987]

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 Whatcom County, amending WAC 173-19-450;

that the agency will at 7:30 p.m., Thursday, May 7, 1987, in the Whatcom County Courthouse, 401 Grand Avenue, Bellingham, WA 98225, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 9, 1987.

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 13, 1987.

Dated: March 31, 1987
 By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-450 Whatcom 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 revisions to the shoreline master program for Whatcom 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: Randy Davis, 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 information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 84-46, filed 2/1/85)

WAC 173-19-450 WHATCOM COUNTY. Whatcom County master program approved August 27, 1976. Revision approved April 11, 1977. Revision approved August 11, 1978. Revision approved December 22, 1981. Revision approved January 5, 1982. Revision approved March 4, 1982. Revision approved December 15, 1982. Revision approved March 1, 1984. Revision approved January 31, 1985. Revision approved June 9, 1987.

WSR 87-08-060
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 1, 1987]

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 amendment of minimum functional standards for waste handling, chapter 173-304 WAC, to include a requirement for maximum recycling when constructing or operating solid waste incineration or energy recovery facilities.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 14, 1987, 2:00 p.m.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

This notice is connected to and continues the matter in Notice No. WSR 87-05-054 filed with the code reviser's office on February 18, 1987.

Dated: April 1, 1987
By: Phillip Johnson
Deputy Director, Programs

WSR 87-08-061
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the fee for brand inspecting cattle, WAC 16-96-130;

that the agency will at 1:00 p.m., Tuesday, May 5, 1987, in the Meeting Room of the Washington Cattlemen's Association, 1720 Canyon Road, Ellensburg, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1987.

The authority under which these rules are proposed is chapter 16.57 RCW.

The specific statute these rules are intended to implement is RCW 16.57.220.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 5, 1987.

Dated: April 1, 1987
By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Relating to brand inspection of cattle.

Description of Purpose: Increase brand inspection fee for cattle.

Statutory Authority: Chapter 16.57 RCW.

Specific Statute Rule is Intended to Implement: RCW 16.57.220.

Summary of Rule: The brand inspection fee for cattle in Washington will be increased from 45 cents to 50 cents per head. At the livestock markets in Oregon and Idaho where Washington inspectors are authorized to inspect Washington cattle, the fee will be increased from 30 cents to 35 cents.

Reasons Supporting Proposed Action: The increase is necessary to ensure funding of brand inspection activities.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Willis, Assistant Director, Department of Agriculture, Livestock Services Division, AX-41, Olympia, WA 98504, (206) 753-5065.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Agriculture.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The effect of the increase will be the same for large and small livestock producers.

AMENDATORY SECTION (Amending Order 1748 [1762], filed 9/9/81 [4/30/82])

WAC 16-96-130 BRAND INSPECTION FEES. The fee for inspecting cattle and calves ((of or)) for brands, and/or any other method of identifying cattle and calves, shall be ((forty-five)) fifty cents per head, except at those public livestock markets in Oregon and Idaho, which are declared to be brand inspection points for Washington, where the fee shall be ((thirty)) thirty-five cents per head.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 87-08-062
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries and the Washington Game Commission intend to adopt, amend, or repeal rules concerning hydraulic code rules;

that the agencies will at 9:00 a.m., Tuesday, May 19, 1987, in the Ridpath Hotel, Spokane, 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 20, 1987.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is chapter 75.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 19, 1987.

Dated: April 1, 1987
By: Ronald E. Westley
for Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-110-010 Purpose; 220-110-020 Definitions; 220-110-030 Hydraulic project approvals—Procedures; 220-110-040 Freshwater technical provisions; 220-110-050 Bank protection; 220-110-060 Bridge, pier, and piling construction; 220-110-080 Channel change—Temporary and permanent; 220-110-090 Channel realignment; 220-110-100 Conduit crossing; 220-110-110 Culvert installation; 220-110-120 Temporary bypass culvert or flume; 220-110-140 Gravel removal; 220-110-190 Water diversions; 220-110-200 Mineral prospecting (panning); 220-110-210 Mineral prospecting (sluicing); 220-110-220 Mineral prospecting (dredging); 220-110-320 Dredging; 220-110-340 Informal appeal of adverse administrative decisions; and 220-110-350 Formal appeal of adverse administrative decisions.

Description of Purpose: Modify hydraulic code rules.

Statutory Authority: RCW 75.08.080.

Summary of Rule: WAC 220-110-010 changes purpose statement; 220-110-020 adds definition for "established ford," clarifies other definitions; 220-110-030 provides for mandatory emergency approval, on-going seasonal activity without reapplication, civil penalty, and exceptions to application requirement; 220-110-040 corrects punctuation; 220-110-050 removes bulkhead construction requirement; 220-110-060 removes anchoring system requirement; 220-110-080, 220-110-090 and 220-110-120 require stranded fish to be returned to water; 220-110-100 clarifies multiple nonapplicable provisions; 220-110-110 deletes unnecessary wording; 220-110-140 eliminates monitoring requirement; 220-110-190 simplifies screening requirement and clarifies berm dam construction criteria; 220-110-200, 220-110-210 and 220-110-220 clarify mineral prospecting criteria; 220-110-320 increases salt water dredging minimum depth in selected areas; and 220-110-340 and 220-110-350 clarify appeal processes.

Reasons Supporting Proposed Action: WAC 220-110-010, makes purpose statement consistent with underlying statute; 220-110-020, conformation to statutory definitions and clarification; 220-110-030, conformation to statutory intent, clarification of agency jurisdiction and intent; 220-110-040, no substantive change;

220-110-050, deleted requirements are seldom used; 220-110-060, deleted requirement unnecessary; 220-110-080, 220-110-090 and 220-110-120, protection of fish life; 220-110-100, clarification; 220-110-110, simplification; 220-110-140, unnecessary technical provision removed; 220-110-190, deletion of overly technical criteria and addition of typical provisions for diversion; 220-110-200, 220-110-210 and 220-110-220, provide mineral prospecting opportunity with reasonable safeguards for fish life, conforms regulation with existing provisions in "gold and fish" pamphlet; 220-110-320, protection of juvenile fish migration patterns; and 220-110-340 and 220-110-350, conform regulation to statutory intent.

Personnel Responsible for Drafting and Implementation: David Mudd, Habitat Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-3318, and Duane Phinney, Habitat Management Division, Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, phone (206) 753-3621; and Enforcement: John Gillespie, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740, and James W. McKillip, Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, phone (206) 753-6585.

These rules are jointly proposed by the Washington Department of Fisheries and the Washington Game Commission.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-010 PURPOSE. Pursuant to RCW 75.20.100, 75.20.103, 75.20.106, 75.20.130, and 75.20.140, this chapter establishes regulations for the construction of any form of hydraulic project or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any ((river or stream, or that will utilize any)) of the salt or fresh waters of the state, ((or materials from the stream beds and require approval under RCW 75.20.100;)) and ((establishes)) sets forth procedures for obtaining a hydraulic project approval (also known as a habitat protection approval). In addition, this chapter incorporates criteria ((the departments have developed for the protection of fish life which are used)) and guidelines generally used by the department of fisheries and the department of game for project review and conditioning hydraulic project approvals. It is not intended that the ((following regulations)) technical provisions will automatically apply to each hydraulic project approval. ((The regulations are intended to provide notice of the criteria and guidelines generally utilized to administer RCW 75.20.100. This chapter shall be administered by the department of fisheries and the department of game as required under RCW 75.20.100;)) Rather, each application will be reviewed on an individual basis.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-020 DEFINITIONS. As used in this chapter, unless the context clearly requires otherwise:

(1) "Beach area" means the beds between the ordinary high water line and extreme low tide.

(2) "Bed" means the land((s within or)) below the ordinary high water lines of state waters. This definition shall not include irrigation

ditches, canals, storm-water run-off devices, or other artificial water-courses except where they exist in a natural watercourse that has been altered by man.

(3) "Bed materials" means natural-occurring material found in the beds of waters of the state.

(4) "Cofferdam" means a temporary enclosure used to keep water from a work area.

(5) "Departments" means the department of fisheries and the department of game.

(6) "Dredging" means removal of bed material.

(7) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions or other natural conditions.

(8) "Equipment" means any device powered by internal combustion(;;); hydraulics(;;); electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

(9) "Established ford" means a crossing place in a river or stream which has existed for at least three years and has an identifiable approach on the stream bank.

(10) "Extreme low tide" means the lowest level reached by a receding tide.

~~((+10))~~ (11) "Filter blanket" means a layer or combination of layers of pervious materials (mineral or man-made) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

~~((+11))~~ (12) "Fish life" means all fish species, including but not limited to food fish, shellfish, and game fish, and all stages of development of those species.

~~((+12))~~ (13) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of fisheries. ~~((The term "food fish" includes all stages of development and the bodily parts of food fish species.~~

~~(+13))~~ (14) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

~~((+14))~~ (15) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the state game commission.

~~((+15))~~ (16) "General provisions" means those provisions that are contained in every hydraulic project approval.

~~((+16))~~ (17) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any ~~((river or stream, or that will utilize any))~~ of the salt or fresh waters of the state ~~((, or materials from the stream beds))~~.

~~((+17))~~ (18) "Hydraulic project application" means a form provided by and submitted to the department ~~((s))~~ of fisheries or the department of game accompanied by plans and specifications of the proposed hydraulic project.

~~((+18))~~ (19) "Hydraulic project approval" (HPA) means:

(a) A written approval for a hydraulic project signed by the director of the department of fisheries or the director of the department of game, or by employees designated and authorized to do so; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fisheries or the director of the department of game, or by employees designated and authorized to do so.

~~((+19))~~ (20) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each days' lowest tide at a particular location over a period of 18.6 years. It is the datum base for tide levels and vertical references in the saltwater area.

~~((+20))~~ (21) "Mitigation" means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action; and/or(;;)

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; and/or(;;)

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; and/or(;;)

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and/or(;;)

(e) Compensating for the impact by replacing ~~((, enhancing,))~~ or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

~~((+21))~~ (22) "Natural conditions" means those conditions which arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

~~((+22))~~ (23) "Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the line of mean high water.

~~((+23))~~ (24) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

~~((+24))~~ (25) "River or stream" means waters in which fish may spawn, reside, or through which they may pass. This includes water-courses which exist on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This also includes any natural watercourses which have been altered by man. This definition is not meant to include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses except where they exist in a natural watercourse which has been altered by man.

~~((+25))~~ (26) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

~~((+26))~~ (27) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director of fisheries. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((+27))~~ (28) "Special provisions" means those conditions that are a part of the hydraulic project approval, but are site or project specific, and are used to supplement or amend the technical provisions.

~~((+28))~~ (29) "Technical provisions" means those conditions that are a part of the hydraulic project approval and apply to most projects of that nature.

~~((+29))~~ (30) "Watercourse" means any portion of a channel, bed, bank, or bottom within the ordinary high water line of waters of the state. This definition is not meant to include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by man.

~~((+30))~~ (31) "Waters of the state" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((+31))~~ (32) "Wetted perimeter" means the areas of a watercourse covered with water, flowing or nonflowing.

AMENDATORY SECTION (Amending Order 84-176, filed 10/15/84)

WAC 220-110-030 HYDRAULIC PROJECT APPROVALS—PROCEDURES. (1) A person shall secure a hydraulic project approval before conducting a hydraulic project.

(2) ~~((If a person commences construction on any hydraulic project or other work subject to chapter 220-110 WAC without having first obtained written approval of the appropriate department as to the adequacy of the means proposed for the protection of fish life or if any person fails to follow or carry out any of the requirements or provisions as are made a part of such approval, the person is guilty of a gross misdemeanor.~~

(3) A person seeking hydraulic project approval shall submit to the department ~~((having jurisdiction of the site))~~ of fisheries or the department of game general plans for the overall project, complete plans and specifications ~~((of))~~ for the proposed construction or work ~~((within the mean higher high water line in salt water or within))~~ below the ordinary high water line ~~((in fresh))~~ of state waters, and complete plans and specifications for the proper protection of fish life.

~~((+3))~~ (3) Application for hydraulic project approval shall be submitted to the ~~((appropriate))~~ department ~~((listed below))~~ of fisheries or department of game. The department having jurisdiction ~~((over))~~ of a particular site will cooperate with the other department ~~((in order))~~ to protect all species of fish. If ~~((a))~~ either department receives ~~((the))~~ an application concerning a site not in its jurisdiction, it will transmit the application to the ~~((appropriate))~~ other department within three days, and the applicant will be notified.

(a) For projects located in the following areas, an application shall be submitted to the Department of Fisheries, Habitat Management Division, 115 General Administration Building, Olympia, WA 98504, (206) 753-6650:

(i) Western Washington, which includes all lands lying west of the summit of the Cascade Mountains;

(ii) ~~((Att))~~ The mainstem Snake River ~~((projects))~~ and ~~((att))~~ the mainstem Columbia River ~~((projects))~~ downstream from Chief Joseph Dam.

(b) For projects located in the following areas, an application shall be submitted to the Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504, (206) 753-5897:

Eastern Washington, which includes all lands lying east of the summit of the Cascade Mountains, including Klickitat County except those areas in ~~((WAC 220-110-030-4))~~ (a)(ii) of this subsection.

(c) The departments reserve the right to exchange jurisdiction on individual projects.

(d) Receipt of any one of the following documents at the addresses listed in (a) and (b) of this subsection constitutes application for a hydraulic project approval:

(i) A completed hydraulic project application submitted to the ~~((appropriate))~~ department of fisheries or department of game;

(ii) A completed forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010(19); or

(iii) A section 10 or 404 public notice circulated by the Army Corps of Engineers or United States Coast Guard.

~~((5))~~ (4) The appropriate department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the State Environmental Policy Act (chapter 43.21C RCW). The departments shall strive to process hydraulic project applications in less than thirty days. The forty-five day requirement shall be suspended if:

(a) An incomplete application is received;

(b) The site is physically inaccessible for inspection;

(c) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(d) The applicant requests delay.

~~((6))~~ (5) Immediately upon determination that the forty-five day period is suspended, the appropriate department shall notify the applicant in writing of the reasons for the delay.

~~((7))~~ (6) Verbal ~~((applications may))~~ approval shall be ~~((accepted in-lieu of written applications))~~ granted immediately upon request for emergency work to repair existing structures, move obstructions, restore banks, or protect property that is subject to immediate danger by weather, flow, or other natural conditions. Verbal approval shall be granted immediately upon request for driving across a stream during an emergency, as defined in WAC 220-110-020(7).

~~((8))~~ (7) The departments may accept written or verbal requests for time extensions, renewals, or alterations of an existing approval.

~~((9))~~ (8) Each approval is usually specific to a watercourse, stating the exact location of the project site, and usually consists of general, technical, and special provisions.

~~((10))~~ (9) The written hydraulic project approval, or an exact copy, ~~((except verbal approvals,))~~ shall be on the project site when work is being conducted and shall be immediately available for inspection.

~~((11))~~ (10) All hydraulic project approvals may be granted for a period of up to five years. ~~((The))~~ However, approvals issued under RCW 75.20.103 for work of a seasonal nature that diverts water for irrigation or stock watering purposes shall remain in effect without need for periodic renewal, provided the permittee notifies the agency that issued the approval before commencing the work each year. All permittees must demonstrate substantial progress on construction of that portion of the project relating to the hydraulic approval within two years of the date of issuance.

~~((12))~~ (11) A hydraulic project application will be denied when, in the judgment of the department ~~((having jurisdiction over the site))~~ of fisheries or department of game, the project is directly or indirectly harmful to fish life unless adequate mitigation can be assured by conditioning the approval or modifying the proposal. If approval is denied, the ~~((appropriate))~~ department of fisheries or department of game will provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely ~~((effect))~~ affect fish life.

(12) Protection of fish life shall be the only ground upon which an approval may be denied or conditioned.

(13) Hydraulic project approvals may have specific time limitations on project activities to protect fish life.

(14) Hydraulic project approvals do not exempt the applicant from obtaining ~~((the))~~ other appropriate permits and following the rules or regulations of ~~((other))~~ local, other state, and federal agencies.

(15) Administration of this chapter shall be conducted in compliance with the State Environmental Policy Act, chapter 43.21C RCW, chapter ~~((197-10))~~ 197-11, 220-100 or ~~((232-18))~~ 232-19 WAC.

(16) ~~((In addition to hydraulic project approval, placing rock, concrete, tires, or other materials on the beds in the saltwater area for the purpose of improving fish habitat requires a permit under WAC 220-20-040 for artificial reef construction.))~~ If a person commences any activity subject to RCW 75.20.100 or 75.20.103 without having first obtained approval of the department of fisheries or department of game or if any person fails to follow or carry out any of the requirements or provisions as are made a part of such approval, that person is guilty of a gross misdemeanor. In lieu of gross misdemeanor charges, at the discretion of the department of fisheries or the department of game, the person who violates RCW 75.20.100, 75.20.103, or chapter 220-110 WAC may be subject to a civil penalty of up to one hundred dollars per day. The amount of the civil penalty will be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty. The notice will describe the violation, the amount of the penalty, how to pay the penalty, and the appeal rights of the person incurring the penalty.

(17) In addition to hydraulic project approval, mechanical or hydraulic clam harvesters shall be governed by the provisions of WAC 220-52-018 and shall obtain and comply with the provisions of the department of fisheries' permit to operate a clam harvesting machine.

(18) The hydraulic code ~~((does not apply to the actual exercise of water rights (e.g. the amount of diversion or stream flow) which matters are generally regulated by the Washington department of ecology and hydraulic project approvals will not))~~ cannot be used to limit the amount or timing of water diverted under a water right. However, construction of structures or placement of devices or other work within waters of the state which will use, divert, obstruct or change the natural flow or bed of any river or stream, or that will utilize any of the waters of the state in order to take water allowed by a water right requires a hydraulic project approval. Regulation of water flow from a permanent irrigation structure by operating valves, or manipulating stop logs, check boards or head boards, does not require hydraulic project approval.

(19) ~~((Each approval shall contain))~~ Persons who have historically used and are currently using a gravel berm dam as the method of diversion shall be permitted to continue to do so. The departments can, however, condition the approval of gravel berms.

(20) The following general provisions apply to and are found on each hydraulic project approval:

(a) This approval is to be available on the job site at all times and its provisions followed by the permittee and operator performing the work.

(b) The person(s) to whom this approval is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this approval.

(c) Failure to comply with the provisions of this approval ~~((is))~~ could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

(d) ~~((The departments reserve the right subject to the holders opportunity to a hearing to contest agency actions as provided by the Administrative Procedure Act, chapter 34.04 RCW, to make additional restrictions or conditions or revoke the approval when new information shows such action is necessary by the departments for the protection of fish life.))~~

(e) These departments cannot be held liable for any property damage which might occur as a result of this project, except where damages are proximately caused by actions of the departments.)) All hydraulic project approvals issued pursuant to RCW 75.20.100 are subject to additional restrictions, conditions, or revocation if the department of fisheries or department of game determine that new biological or physical information indicates the need for such action. The permittee has the right pursuant to chapter 34.04 RCW, to appeal such decisions. All hydraulic project approvals issued pursuant to RCW 75.20.103 may be modified by the department of fisheries or department of game due to changed conditions after consultation with the permittee:

PROVIDED HOWEVER, That such modifications shall be subject to appeal to the hydraulic appeals board established in RCW 75.20.130.

~~((ff))~~ (c) This approval pertains only to the provisions of the fisheries and game codes. Additional authorization from other public agencies may be necessary for this project.

~~((20))~~ (21) Cleaning, adjusting, ~~((operation))~~ operating, and ~~((maintenance of))~~ maintaining existing irrigation diversion structures, or maintaining established fords by use of hand-held tools, may be accomplished without first securing a written hydraulic project approval. For these purposes, this subsection, or the latest edition of the Irrigation and Fish pamphlet issued by the departments of fisheries and game, shall serve as the hydraulic project approval. This does not include the use of equipment as defined in WAC 220-110-020(8). If adverse impacts to fish life occur, the project shall immediately cease, and an application for approval shall be made in accordance with WAC 220-110-030 (1), (2), and (3)~~((-4))~~.

~~((21))~~ (22) Aquatic weed control by hand pulling or hand tools does not require hydraulic project approval. This does not include the use of equipment as defined in WAC 220-110-020(8).

(23) Driving a vehicle, or operating equipment, on or across an established ford does not require a hydraulic project approval. However, ford repair with equipment or construction work within the ordinary high water lines requires a hydraulic project approval. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires a hydraulic project approval.

(24) The installation, by hand or hand tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require a hydraulic project approval.

(25) The installation and operation of portable boat hoists in lakes does not require a hydraulic project approval, provided:

(a) Equipment is not operated below the ordinary high water line during installation;

(b) The hoist is not installed at the mouth of any river or stream; and

(c) Dredging, filling, or pile driving is not conducted as part of the project.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-040 FRESHWATER TECHNICAL PROVISIONS. WAC 220-110-050 through 220-110-220 set forth technical provisions that typically apply to freshwater hydraulic projects. Certain technical provisions may be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-050 BANK PROTECTION. The following technical provisions may apply to bank protection projects:

(1) Bank protection work shall be confined to damaged banks.

(2) Watercourse encroachment shall be held to a minimum.

(3) Bank protection material shall not appreciably reduce normal watercourse capacity or configuration.

(4) The toe shall be designed to protect the integrity of bank protection material.

(5) Bank sloping shall be accomplished in a manner that will prevent the release of overburden material into the water.

(6) Bank protection material shall be clean, angular rock or other material of a sufficient size to prevent its being washed away by water action. River gravels shall not be used as exterior armor.

(7) Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.

(8) Filter blanket material shall be placed prior to placement of bank protection material.

(9) Alteration or disturbance of the bank and bank vegetation shall be held to a minimum.

(10) Overburden material resulting from this project shall be deposited so as not to reenter the water.

~~((11))~~ Bulkheads shall be constructed in the dry.

~~((12))~~ Bulkhead faces shall be constructed of material not readily subject to erosion.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-060 BRIDGE, PIER, AND PILING CONSTRUCTION. The following technical provisions may apply to bridge, pier, and piling construction projects:

(1) Excavation for the footings, piers, or abutments shall be isolated from the wetted perimeter by a dike, cofferdam, or similar mechanism.

(2) Wastewater discharged to receiving waters shall not adversely impact fish life.

(3) Structures containing concrete or wood preservatives shall be cured or dried prior to water encroachment.

(4) Abutments, piers, piling, sills, etc., shall not restrict the flow so as to cause any appreciable increase in backwater elevation or scour and shall be aligned to cause the least effect on the hydraulics of the body of water.

(5) Riprap materials used for structure protection shall be clean and of sufficient size to prevent their being washed away.

(6) Backfilling and armoring around each structure shall take place prior to removal of cofferdams.

(7) The bridge shall be constructed high enough to pass the fifty-year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.

(8) Alteration or disturbance of bank or bank vegetation shall be held to a minimum, and all disturbed areas shall be protected from erosion and revegetated.

~~((19))~~ Anchoring systems for floating structures shall be designed and deployed in a manner that will not damage the beds as a result of structure or anchor movement.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-080 CHANNEL CHANGE—TEMPORARY AND PERMANENT. The following technical provisions may apply to channel change—Temporary and permanent projects:

(1) Permanent new channels shall be similar in length, width, depth, gradient, and meander configuration as the old channel.

(2) The new channel shall provide fish habitat similar to that which previously existed in the old channel.

(3) During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel.

(4) Diversion of flow into a new channel shall be accomplished by: (a) First removing the downstream plug; (b) removing the upstream plug; and (c) closing the upstream end of the old channel.

(5) Filling of the old channel shall begin from the upstream closure and the fill material compacted. Water discharging from the fill shall not adversely impact fish life.

(6) Before water is diverted into a permanent new channel, the banks shall be armored to prevent erosion.

(7) The angle of the structure used to divert the water into the new channel shall allow a smooth transition of water flow.

(8) After completion of the permanent new channel and filling of the old channel, all unprotected banks shall be revegetated or otherwise protected to prevent erosion.

~~((The applicant shall have fish capture and transportation equipment ready and on the job site. Captured fish shall be immediately and safely transferred))~~ If fish may be endangered as a result of this project, the permittee will be required to capture and safely transport game and food fish from the job site to free-flowing water. The permittee may request the department of fisheries or department of game to assist in capturing and safely transporting game and food fish from the job site to free-flowing water, and assistance will be granted if personnel are available.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-090 CHANNEL REALIGNMENT. The following technical provisions may apply to channel realignment projects:

(1) The realigned channel shall provide fish habitat similar to that which previously existed.

(2) All material removal from the new channel shall take place before any filling operations within the existing channel. Material removal shall proceed from midstream toward the bank and be completed prior to filling.

(3) Excavation and filling may take place simultaneously if excavated materials are to be used in the filling operation.

(4) Prior to filling, an armored dike or other approved mechanism shall be constructed to divert the flowing stream and isolate the fill area.

(5) Filling shall begin at the upstream end and proceed downstream.

(6) Water discharging from the fill area shall not adversely impact fish life.

~~(7) ((The applicant shall have fish capture and transportation equipment ready and on the job site. Captured fish shall immediately be transferred safely)) If fish may be endangered as a result of this project, the permittee will be required to capture and safely transport game and food fish from the job site to free-flowing water. The permittee may request the department of fisheries or department of game to assist in capturing and safely transporting game and food fish from the job site to free-flowing water, and assistance will be granted if personnel are available.~~

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-100 CONDUIT CROSSING. The following technical provisions may apply to conduit crossing projects:

(1) Conduit alignment shall be as nearly perpendicular to the watercourse as possible.

(2) The conduit shall be installed at sufficient depth so that subsequent disturbance of the bed of the watercourse is avoided.

(3) If the method used is boring or jacking:

(a) Pits shall be isolated from surface water flow((-);

(b) All drainage water removed from the boring or jacking pit shall not adversely impact fish life; and

(c) Provisions of subsection (4)(a), (b), (c), and (d) of this section shall not apply.

~~(4) If the method used is trench excavation:~~

~~(a) Trenches shall be excavated in the dry or shall be isolated from the flowing watercourse by the installation of a cofferdam, culvert, flume, or other approved method((-);~~

~~(b) Plowing, placement, and covering shall occur in a single pass of the equipment((-);~~

~~(c) Disturbance of the bed as a result of the plowing operation shall be held to a minimum; and~~

~~(d) Provisions of subsection (3)(a), (b), and (c) of this section shall not apply.~~

~~(5) Trenches shall be backfilled with approved materials and the bed shall be returned to preproject condition.~~

~~(6) Excess spoils shall be disposed of so as not to reenter the watercourse.~~

~~(7) The conduit approach trench shall be isolated from the watercourse until laying of the conduit across the watercourse takes place.~~

~~(8) Alteration or disturbance of banks or bank vegetation shall be held to a minimum and all denuded areas shall be revegetated or otherwise protected from erosion.~~

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-110 CULVERT INSTALLATION. The following technical provisions may apply to culvert installation projects:

~~(1) ((Culverts shall be installed so that spawning habitat is maintained:~~

~~(2)) Culverts shall be designed and constructed so as not to impede fish passage.~~

~~((2)) (2) The culvert shall be of a sufficient size to pass the fifty-year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.~~

~~((4)) (3) Disturbance of the bed of a watercourse shall be held to a minimum and affected bed areas shall be restored to preproject condition following installation of the culvert.~~

~~((5)) (4) Fill associated with the culvert installation shall be protected from erosion.~~

~~((6)) (5) Culverts shall be designed and constructed to avoid inlet and outlet scouring.~~

~~((7) When a multiple barrel culvert is utilized the structure shall be designed and constructed to ensure fish passage during low-flow periods:~~

~~((8)) (6) The culvert facility shall be maintained, in perpetuity, by the owner(s), such that fish passage is not impeded.~~

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-120 TEMPORARY BYPASS CULVERT OR FLUME. The following technical provisions may apply to temporary bypass culvert or flume projects:

(1) The temporary bypass culvert or flume shall be in place prior to initiation of other work in the wetted perimeter.

(2) A sandbag revetment or similar device shall be installed at the inlet to divert the entire flow through the culvert or flume.

(3) A sandbag revetment or similar device shall be installed at the downstream end of the culvert or flume to prevent backwater from entering the work area.

(4) Culvert or flume shall be of sufficient size to pass flows and debris occurring during the project.

(5) Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

(6) Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project conditions.

(7) If fish may be endangered as a result of this project, the permittee will be required to capture and safely transport game and food fish from the job site to free-flowing water. The permittee may request the department of fisheries or department of game to assist in capturing and safely transporting game and food fish from the job site to free-flowing water, and assistance will be granted if personnel are available.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-140 GRAVEL REMOVAL. The following technical provisions may apply to gravel removal projects:

~~(1) ((Preproject and postproject monitoring of gravel recruitment and other related physical parameters is required for commercial and large scale flood control projects:~~

~~(2)) An excavation line shall be established. "Excavation line" means a line on the dry bed, parallel to the water's edge; two feet vertically above the existing water level, unless otherwise stated, and changes with water level fluctuations.~~

~~((3)) (2) Bed material shall not be removed from the water side of the excavation line.~~

~~((4)) (3) Excavation shall begin at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.~~

~~((5)) (4) The maximum distance of excavation toward the bank from the excavation line shall be approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.~~

~~((6)) (5) The excavation zone shall be identified by boundary markers.~~

~~((7)) (6) A minimum two percent gradient upward from the excavation line shall be maintained in the excavation zone.~~

~~((8)) (7) At the end of each days' operation the excavation zone shall not contain pits or potholes.~~

~~((9)) (8) Excavated materials shall not be stockpiled or spoiled within the ordinary high water line.~~

~~((10)) (9) Equipment shall not enter the wetted perimeter of the watercourse.~~

~~((11)) (10) Debris in the excavation zone shall be disposed of so as not to reenter the watercourse.~~

~~((12)) (11) Gravel washing or crushing operations shall not take place below the ordinary high water line.~~

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-190 WATER DIVERSIONS(~~GENERAL FISH SCREENING CRITERIA~~). The following technical provisions may apply to water diversions (~~where fish screens are required. General fish screening criteria are applicable to rotary drum screens, traveling screens, belt screens and stationary flat plate screens.~~

Screens shall be designed, constructed and located as follows:

(1) Structure placement—flowing waters (rivers and creeks):

(a) Where physically practical, the screen shall be constructed at the diversion entrance parallel to the flow with the screen face continuous with the adjacent bankline. The bankline shall be altered, if necessary, to prevent eddies and maintain parallel velocities past the screen; or

(b) Where site or hydraulic conditions make installation of fish screens at the diversion entrance physically impractical, screens may be located in the conduit or diversion canal at a more suitable location. Such screens shall be provided with bypass systems to efficiently collect juvenile fish and safely transport them back to the flowing water body.

Such screens shall also be constructed at an angle not to exceed 45° (degrees) from the approaching flow with the downstream end of the screen terminating at the bypass system entrance:

- (2) Structure placement—nonflowing waters (lakes and reservoirs):
In nonflowing waters, diversion structures and associated fish screens will be constructed offshore to minimize fish contact.
- (3) Approach velocity (local velocity component perpendicular to the screen face) shall not exceed:
- (a) 0.5 feet/second for chinook and coho salmon fry and all fingerling salmon (fingerling minimum length: 60 mm); or
- (b) 0.2 feet/second for pink, chum and sockeye salmon and gamefish fry;
- (c) When screens are not readily accessible for cleaning, the screens shall be designed with an approach velocity of 0.05 feet/second.

(4) Wetted screen area, excluding area blocked to flow by structural components, required at ordinary low water shall be calculated by dividing maximum diverted flow by the allowable approach velocity.

(5) In flowing water, the velocity component parallel and adjacent to the screen face shall be at least two times the approach velocity. Screen faces shall be placed flush with adjacent screen bay piers or walls.

(6) Screen openings shall not exceed 1/4 (0.25) inch measured horizontally. Where fish less than 60 mm in length are present the screen openings shall not exceed 1/8 (0.125) inch.

(7) The long axis of slot or rectangular screen openings shall be vertical.

(8) Screens may be constructed of any rigid material, woven or perforated, that physically excludes fish provided that structural integrity and cleaning effectiveness are not impaired.

(9) Screens shall be removed only by written permission of the departments.

(10) Alteration or disturbance of banks or bank vegetation shall be held to a minimum, and all disturbed slopes shall be revegetated or otherwise protected from erosion):

(1) Gravel berm dams shall be constructed of gravels available on site. No dirt from outside the ordinary high water line shall be used to seal them and no logs or woody debris presently in the river may be utilized for their construction.

(2) Logs and woody debris may be removed from the river or stream only if they block water flow into the ditch or inhibit construction.

(3) As long as the applicant or permittee can divert enough water to satisfy the water right, the gravel berm dam shall be constructed so that it does not hinder upstream and downstream adult and juvenile fish passage. If passage problems develop, department of fisheries or department of game personnel may, after consultation, require modification of the gravel berm dam.

(4) At pump stations, a backhoe may be used to remove accumulated silts and gravel from the pumping sump. Material removed shall be placed so it will not be washed back into the river.

(5) A diversion device used for conducting water from a lake, river, stream or other watercourse for any purpose shall be equipped with a fish guard (screen) approved by the department of fisheries pursuant to RCW 75.20.040 and the department of game pursuant to RCW 77.16.220 to prevent the passage of fish into the diversion device.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-200 MINERAL PROSPECTING (PANNING). The following technical provisions may apply to mineral prospecting (panning) projects:

(1) ((For mineral prospecting as provided in subsection (2) of this section, a copy of the Gold and Fish Pamphlet shall be on the project site at all times, and shall serve as the hydraulic project approval.

(2) The equipment authorized in this section is gold pans, mini-rocker boxes, and nonmotorized sluice boxes not larger than 12" x 36" including attachments. Sluice boxes shall not exceed twenty-five percent of the width of the wetted perimeter.

(3) All work shall be performed by hand or hand-held tools.

(4) Graveled spawning areas shall not be disturbed.

(5) Streambanks shall not be excavated.

(6) Materials too large to be moved by hand shall not be disturbed.

(7) The flowing stream shall not be dammed or diverted.

(8) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.

(9) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding

this:)) Sluice box size shall not exceed one-foot width by three-foot length in the riffle area, and not to exceed fifty percent of the width of the wetted perimeter.

(2) All work will be performed by hand or hand tools only.

(3) There shall be no disturbance of graveled spawning areas.

(4) There shall be no streambank excavation.

(5) There shall be no disturbance of rooted or embedded woody plants (trees, shrubs, etc.).

(6) Materials too large to be moved by hand will not be disturbed.

(7) There shall be no damming of the flowing stream.

(8) All pits, furrows, potholes and diversions must be filled, leveled, or removed prior to leaving the project site, to prevent fish entrapment.

(9) No motorized, tracked or wheeled vehicles will be allowed within the wetted perimeter of the stream.

(10) Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated.

(11) Entry onto private property or removal of minerals from an existing mining claim is not authorized. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources or bureau of land management should be contacted regarding this.

(12) A copy of the current Gold and Fish Pamphlet shall be on the job site at all times and shall serve as a formal approval.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-210 MINERAL PROSPECTING (SLUICING). The following technical provisions may apply to mineral prospecting (sluicing) projects:

(1) ((The equipment authorized by this section is: (a) One nonmotorized sluice box not larger than 18" x 60" or 7.5 square feet; (b) one nonmotorized sluice box not larger than 24" x 96" or 16 square feet. Neither sluice box shall exceed twenty-five percent of the width of the wetted perimeter.

(2) All excavations shall be performed by hand or hand-held tools.

(3) Graveled spawning areas shall not be disturbed.

(4) Streambanks shall not be excavated.

(5) The flowing stream shall not be dammed or diverted.

(6) Materials too large to be moved by hand shall not be disturbed.

(7) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.

(8) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding this:

(9) The Gold and Fish Pamphlet shall be on the project site:)) Sluice boxes shall not be wider than two feet in the riffle area and not to exceed fifty percent of the wetted perimeter.

(2) Suction removal of aggregate from sluice or sluice tailings may be performed by a suction device powered by an engine of not more than 3 HP with a maximum intake nozzle size of 1.5 inches.

(3) There shall be no stream bank excavation.

(4) There shall be no disturbance of graveled spawning areas.

(5) All excavations shall be performed by hand or hand-held tools only.

(6) Materials too large to be moved by hand or hand-held tools shall not be disturbed.

(7) Diversion of the flowing stream shall be only that necessary to direct water into a sluice box.

(8) There shall be no damming of the flowing stream.

(9) All pits, furrows, potholes and diversions must be filled, leveled, or removed prior to leaving the project site, to prevent fish entrapment.

(10) No motorized, tracked or wheeled vehicles shall be allowed within the wetted perimeter of the stream.

(11) Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated and the hydraulics project approval cancelled.

(12) This approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources or bureau of land management should be contacted regarding this.

(13) A copy of the current Gold and Fish Pamphlet shall be on the job site at all times.

(14) There shall be no disturbance of rooted or imbedded woody plants (trees, shrubs, etc.)

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-220 MINERAL PROSPECTING (~~((MOTORIZED))~~ DREDGING). The following technical provisions may apply to mineral prospecting (~~((motorized))~~ dredging) projects:

~~(1) ((The equipment authorized by this section is: (a) One suction dredge having a maximum nozzle intake diameter of 2-1/2", 4", 6", or 8", or (b) one motorized sluice box not larger than 18" x 60" and/or 7.5 square feet, or (c) one motorized sluice box not larger than 24" x 96" or 16 square feet. The total width of the equipment shall not exceed twenty-five percent of the wetted perimeter.~~

~~(2) Hydraulicing (jet or nozzle) outside of the wetted perimeter is prohibited.~~

~~(3) Stream banks shall not be excavated.~~

~~(4) Graveled spawning areas shall not be disturbed.~~

~~(5) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.~~

~~(6) The flowing stream shall not be dammed or diverted.~~

~~(7) Motorized, tracked, or wheeled vehicles shall not enter the wetted perimeter of the stream.~~

~~(8) Motorized tools shall not be used to move materials too large to be moved by hand such as boulders, logs, stumps, etc.~~

~~(9) Stable woody debris jams shall not be disturbed.~~

~~(10) Petroleum products shall not be allowed to enter the water.~~

~~(11) This section shall include lessor activities such as sluicing or panning provided provisions and timing are followed and a copy of the Gold and Fish Pamphlet is on the project site.~~

~~(12) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding this.) This approval authorizes the use of a suction dredge having a nozzle intake size not to exceed that allowed in the stream listing section of the current Gold and Fish Pamphlet for the area in which it is operated.~~

(2) There shall be no hydraulicing (jet or nozzle) outside of the wetted perimeter.

(3) There shall be no streambank excavation.

(4) There shall be no disturbance of rooted or embedded woody plants (trees, shrubs, etc.).

(5) There shall be no disturbance of gravelled spawning areas.

(6) All pits, furrows, and potholes must be filled or leveled prior to leaving the project site, to prevent fish entrapment.

(7) Damming or diversion of the stream shall be allowed only to the extent necessary to operate a dredge, and shall be removed prior to leaving the site.

(8) No motorized, tracked, or wheeled vehicles shall be allowed within the wetted perimeter of the stream.

(9) Motorized tools shall not be used to move materials offering fish cover (boulders, logs, stumps, etc.) too large to be moved by hand.

(10) Stable woody debris jams shall not be disturbed.

(11) Extreme care shall be taken to assure that no petroleum products or other deleterious material is allowed to fall, be wasted into, or otherwise deposited so as to enter surface waters.

(12) Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated and the hydraulic project approval cancelled.

(13) This approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources or the bureau of land management should be contacted regarding this.

(14) A copy of the current Gold and Fish Pamphlet shall be on the job site at all times.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-320 DREDGING. The following technical provisions commonly apply to dredging projects.

(1) Dredging in Tidal Reference Areas 1 through 13 is limited to the period June 16 through March 15.

(2) Dredging in Tidal Reference Area 14 is permitted year-round.

(3) Dredging in Tidal Reference Area 15 in water shallower than the minus ~~((fifteen (-15.0)))~~ twenty ~~(-20.0)~~ foot contour (MLLW = 0.0) is limited to the period May 1 through February 28.

(4) Dredging in Tidal Reference Area 16 in water shallower than the minus ~~((fifteen (-15.0)))~~ twenty ~~(-20.0)~~ foot contour (MLLW = 0.0) is limited to the period June 16 through February 15.

(5) Dredging in Tidal Reference Area 17 in water shallower than the minus ~~((fifteen (-15.0)))~~ twenty ~~(-20.0)~~ foot contour (MLLW = 0.0) is limited to the period May 1 through February 15.

(6) Floatable materials such as debris and piling shall not be disposed of in the water.

(7) Dredging shall stop if distressed or dead fish are observed in the work area, and the departments shall be notified immediately.

(8) A hydraulic dredge shall not be operated with the intake above the surface of the material being removed. The intake may be raised not over 3 feet above the bed for brief periods of purging or flushing the intake system. This provision does not apply to hopper dredges.

(9) Dredged bed materials shall be disposed of at department of natural resources deep water disposal sites or approved upland sites.

(10) Dredging shall be conducted to a depth not greater than the channel depth at the seaward end.

(11) Dredging is prohibited on herring spawning beds.

(12) Dredging shall be conducted with dredge types that cause the least adverse impact on fish and shellfish and their habitat.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-340 INFORMAL APPEAL OF ADVERSE ADMINISTRATIVE DECISIONS. Any person who ~~((upon proper application, is denied a requested hydraulic project approval or contests a condition placed in a granted approval, may contact the field investigator from the appropriate department having jurisdiction over the site to discuss the denial or provisions: If the result of this contact with the field investigator does not satisfy the applicant, then that person may contact the field investigator's supervisors up through the chain of command to the director of the department having jurisdiction over the site. If the applicant is not satisfied by the results of this informal appeal process, then that person may make a formal appeal. We encourage the applicant to exhaust this informal appeal process prior to initiating a formal appeal))~~ has received a civil penalty notice of violation of any provision of RCW 75.20.100 or 75.20.103, or any person who, upon proper application pursuant to RCW 75.20.100 or 75.20.103, is denied a requested hydraulic project approval or who wishes to contest a condition placed in a granted approval, may initiate an informal agency review of any such decision by notifying a field representative of the department having jurisdiction over the project site. Upon the receipt of a request for informal agency review, the department having jurisdiction over the site shall coordinate a comprehensive review of the agency decision by the chief of the habitat management division whose ultimate decision shall be approved or disapproved by the director or designee. If, following this informal agency review process, any person still feels aggrieved by the agency decision, a formal appeal may be taken pursuant to WAC 220-110-350. All parties are encouraged to take advantage of this informal appeal process prior to initiating a formal appeal.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-350 FORMAL APPEAL OF ADVERSE ADMINISTRATIVE DECISIONS. (1) Any person ~~((who, upon proper application, is denied a requested hydraulic project approval or contests a condition placed in a granted approval:))~~ issued a civil penalty pursuant to RCW 75.20.106 for being in violation of RCW 75.20.100 or 75.20.103 or any person denied a hydraulic project approval requested pursuant to RCW 75.20.100 or wishing to contest a condition placed in an approval granted pursuant to RCW 75.20.100 is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.04 RCW. To obtain a hearing, a written request must be filed with the ~~((appropriate))~~ department ~~((having jurisdiction over the site))~~ that issued or denied the approval or levied the civil penalty. The mailing addresses are: Department of Fisheries, Habitat Management Division, Room 115, General Administration Building, Olympia, WA 98504; Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504. Requests must be received within thirty days from the date of denial of a hydraulic approval or issuance of an approval with contested conditions ~~((sought to be contested))~~. Hearings are conducted pursuant to the Uniform Procedure Rules, chapter 1-08 WAC, unless modified in writing ~~((or))~~

and by agreement of the parties. Ordinarily, it is expected that an aggrieved party seeking administrative review will waive the notice of hearing requirements provided by RCW 34.04.090(1) in order to provide an expeditious decision. An administrative law judge will ((be used to)) hear all evidence((, with)); subsequently, proposed findings of fact, conclusions of law, proposed order, and exceptions and replies thereto, and written argument, if any, shall be prepared and presented to the director(~~s of the departments~~), together with a tape of the contested case hearing, for final decision. All final decisions are appealable as provided by the Administrative Procedure Act, chapter 34-.04 RCW. Administrative law judges will be provided by the office of administrative hearings.

(2) Any person denied a hydraulic project approval requested pursuant to RCW 75.20.103 or wishing to contest a condition or modification of an approval granted pursuant to RCW 75.20.103 is entitled to an opportunity for hearing before the hydraulic appeals board established in RCW 75.20.130 and outlined in chapter 259-04 WAC.

WSR 87-08-063
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning:

- Amd ch. 16-304 WAC Annual seed inspection charge.
- Amd ch. 16-316 WAC Seed standards, varieties and fees.
- Amd ch. 16-319 WAC Forest reproductive material;

that the agency will at 1:15 p.m., Tuesday, May 5, 1987, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA, conduct a public hearing on the proposed rules.

AMENDATORY SECTION (Amending Order 1853, filed 5/2/85)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00
Crested Wheatgrass	4 oz.	24.50	15.00	13.00	37.50	21.00
Other Wheatgrasses	6 oz.	36.00	22.00	13.00	49.00	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each additional kind)		10.50		13.00		21.00
Beets		18.00	8.50	17.00	35.00	
Rapeseed		32.00	9.00	16.00	48.00	21.00
Carrot		13.50	9.00	11.50	25.00	36.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 22, 1987.

The authority under which these rules are proposed is chapter 15.49 RCW.

Dated: April 1, 1987
 By: Art G. Losey
 Assistant Director

STATEMENT OF PURPOSE

Title: Chapters 16-316, 16-304 and 16-319 WAC.

Description of Purpose: To increase some fees and charges to cover increased costs for services performed for the seed industry; to amend varieties eligible; and to amend seed certification requirements.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules consist of standards and requirements for certification of seed as well as fees for services performed by the department for lab analysis and inspection.

Reasons for Supporting Proposed Action: To update rules relating to seed standards, varieties eligible.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Seed Branch Supervisor, 2015 South 1st Street, Yakima, WA 98903, phone 558-2750 scan.

Persons Proposing Rules: Washington State Department of Agriculture, Washington State Crop Improvement Association.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for

Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams – bluegrass; fifty grams – alfalfa; five hundred grams – wheat).

(b) Germination – test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination – includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test – a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

- (a) Crop and/or weed exam Noxious only
fee plus \$ 3.50
(or hourly rate when applicable)

All crop seeds and/or all weed seeds are listed as number per pound.

- (b) Poa annua check for bentgrass and bluegrass – each five grams \$16.00
- Poa annua check for other grasses – each 10 grams \$16.00

- (c) Sod seed analysis –
Bluegrass \$56.00
- Fescue \$40.00
- Ryegrass \$32.00

(A special test of turf grasses – for those who need a detailed examination of seed before purchase and/or use.)
Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

- (d) Fluorescent test – (four hundred seed test) \$13.00
- (e) Pest and disease, soil exam or similar \$16.00

(Reported on seed analysis certificate.) A visual examination of a representative sample.

- (f) Sod analysis check – ((fifty)) twenty-five gram exam to evaluate if a lot appears to be sod quality
(phone report only) \$(~~15.00~~)
21.00

- (g) Variety separation of Kentucky bluegrass \$18.00
- If separated at time of purity analysis \$ 9.00

- (h) Sodium Hydroxide test for presence of red and/or white wheat \$10.00

- (i) Brassica seed chemical identification test \$10.00
- (j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour) \$16.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

- (a) Reports may not be mailed until all tests are completed.
- (b) Samples shall be plainly labeled "inventory samples."
- (c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.
- (d) The fee for this service shall be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

- (4) Miscellaneous laboratory fees:
(a) Rush samples (including phone report if requested at time sample is submitted) ((~~5-9.00~~))
\$10.00

- (b) Phone reports on test result, per call \$ 8.00

- (c) Preliminary report on germination
(phone report only) \$ 8.00
- (d) Morphological test \$ 8.00
(alfalfa or clover examined under magnification for combine damage.)

- (e) Additional mailing of report
(each destination) \$ 1.50

- (f) Recopies of reports (minimum fee) \$ 2.50
- Revised reports (minimum fee) \$ 5.00
(or hourly fee when applicable)

(g) ((ISTA test – purity and germination fee plus fifty percent

(th)) I.S.T.A. rules test	PURITY	GERMINATION
Alfalfa, clover	\$35.00	\$18.00
Kentucky bluegrass	\$45.00	\$21.00
Peas, lentils	\$26.00	\$18.00

(h) Canadian rules test	PURITY	GERMINATION
Alfalfa, clover	\$35.00	\$11.50
Kentucky bluegrass	\$45.00	\$14.00
Peas, lentils	\$26.00	\$11.50

- (i) Seed count \$16.00

((+)) (j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. \$16.00

((+)) (k) Hourly fee for miscellaneous services \$16.00

((+)) (l) Service charge for submitted federal phytosanitary certificates, per certificate \$ 5.00

((+)) (m) All states noxious weed examination \$12.00

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-525 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—ELIGIBLE VARIETY AND STOCK SEED.

Kind, type	Variety
Barley, spring	Advance, Belford, Andre, Clark, Columbia (P), Cougarbar, Flyn, Gus (P), Kimberly, Klages, Kombar (P), Larker, Lindy (P), Lud (P), Menuet (P), Morex, Nova (P), Onda (P), Piston (P), Poco (P), Seven (P), Steptoe, Westbred Gustoe (P), Westbred 501 (P), Whitford (P)
Barley, winter	Adair, Boyer, Casbon, Hesk, Kamiak, Luther, Mal, Scio, Showin
Oat, spring	Appaloosa, Border, Cayuse, Monida, Ogle, Park,
Rye, winter	Puma, Rymin
Wheat, spring	Bliss, Bronze Chief (P), Copper, Dirkwin, Edwall, Fielder, Kodiak (P), McKay, NK 751 (P), Owens, Penawawa, Treasure, Urquie, Wampum, Wald, Wared, Waverly, West Bred 803 (P), West Bred 881 (P), West Bred 906R (P), West Bred 911 (P), WS-1 (P), W-444 (P), Yecora Rojo
Wheat, winter	Basin (P), Batum, Cashup (P), Crew Daws, Dusty, Hatton, Hill-81, John, Lewjain, McCall, Moro, Nugaines, Paha, Sprague, Stephens, Tres, Tyee, Wanser

Triticale, spring Juan

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.
Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- ** Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless stated by plant breeder.
- *** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

* Other tolerance for other crop seed:

	OTHER SMALL GRAINS MAXIMUM
Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	
Registered	None	
Certified	1/lb	in oat

AMENDATORY SECTION (Amending Order 1834, filed 6/21/84)

WAC 16-319-020 FOREST REPRODUCTIVE MATERIAL CERTIFICATION STANDARDS. (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and conditioning standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated five hundred foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in subsection (1) of this section.

(h) Certifying agency means the duly designated agent of the state agency: In Oregon state, the Oregon Seed Certification Service, ((102 Farm Crops Building)) 31 Crop Science Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of provenance means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit. (Only certificates of provenance are issued to satisfy O.E.C.D.)

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of the producer's pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in five hundred foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

0 - 500 feet — Code 05	2501 - 3000 feet — Code 30
501 - 1000 feet — Code 10	3001 - 3500 feet — Code 35
1001 - 1500 feet — Code 15	3501 - 4000 feet — Code 40
1501 - 2000 feet — Code 20	4001 - 4500 feet — Code 45
2001 - 2500 feet — Code 25	4501 - 5000 feet — Code 50
	and so forth.

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Legal description means legal cadastral survey subdivision.

(t) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from a distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

((+)) (u) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

((+)) (v) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with conditioning standards.

((+)) (w) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

((+)) (x) Provenance means the original geographic source of seed, pollen or propagules.

((+)) (y) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

((+)) (z) Seed zone means a geographic area delineated on western forest tree seed council's tree seed zone map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

((+)) (aa) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

((+)) (bb) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

((+)) (cc) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-030 CLASSES OF REPRODUCTIVE MATERIAL. (1) Tested class means that forest reproductive material came from tree(s) which have been tested for specific character(s) as determined by progeny or other applicable tests and under specified conditions. Further, such forest reproductive material is produced and processed in a manner assuring genetic identity common with the tested material, and, for nursery stock, that it was produced from tested reproductive material. Said forest reproductive material shall be labeled with a blue label stating "tested." Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(2) Selected class means that reproductive material came from trees that were selected for specific character(s). Two subclasses are recognized:

Subclass A: Reproductive material is obtained from selected trees and, in addition for tree seed, the male parent(s) is also selected.

Subclass B: Applies to tree seed when only one parent is selected.

Both subclasses shall be labeled with a green label stating "selected" and the subclass. Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(a) Selected subclass A means that the donor or parents of the reproductive material are selected, known, and of record, but have no test results of record, and, for nursery stock, that it was produced from selected subclass A or better reproductive material.

(b) Selected subclass B means that only one parent of the tree seed is selected, known, and of record and reproductive material has not been tested, and, for nursery stock, that it was produced from selected subclass B or better reproductive material.

(3) Source identified class means that the reproductive material came from within a seed zone(s) or portion thereof (as defined by legal description) and from within a 500-foot elevation increment(s) or breeding zone(s) or code(s).

Subclass A: Personally supervised production.

Subclass B: Procedurally supervised production.

Both classes of said reproductive material shall be labeled with a yellow label stating "source identified" and the subclass. Certifying agency shall exercise field inspection, plant/warehouse inspection, and audit.

(a) Subclass A source identified means that applicant and certifying agency personally know beyond a reasonable doubt the seed zone(s) or portion thereof and 500-foot elevation increment(s) within which cones and/or reproductive material were collected; and, for nursery stock, that it was produced from subclass A source identified or better reproductive material. Certifying agency knows location from applicant's prior written plan of his reproductive material collecting and/or producing activities. For source identified subzone collections, a representative of the producer, whose major responsibility is observation of picker location, shall make daily observations within the collection area.

(b) Subclass B source identified means that applicant and certifying agency know reproductive material is identified as collected from within a seed zone(s) (or portion thereof) and from within a 500-foot elevation increment(s), and for nursery stock, that it was produced from subclass B source identified or better reproductive material.

(4) Audit class means that the applicant's records of procurement, processing, storage, and distribution state that the reproductive material was collected from within stated seed zone(s) or described portions thereof and from within 500-foot elevation increment(s), and, for nursery stock, certifying agency knows that it was produced from audit class or better reproductive material. Containers of said reproductive material shall carry a serially numbered brown and white label stating "audit certificate." All records of the applicant for this class of reproductive material are subject to audit.

AMENDATORY SECTION (Amending Order 1834, filed 6/21/84)

WAC 16-319-041 APPLICATION FOR CERTIFICATION OF FOREST REPRODUCTIVE MATERIAL. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for ~~((all certification classes))~~ source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

(i) For subzone collection, areas shall be defined by legal description.

(ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: PROVIDED, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: PROVIDED, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class - the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	(((\$15/hr.)) \$20.50/hr.	(((\$15/hr.)) \$20.50/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	(((\$0.60/bu.)) \$0.70/bu.	(((\$15/hr.)) \$20.50/hr.	
((#)) Lots 6-10 bu.	(((\$15/lot)) \$16.50/lot	(((\$15/hr.)) \$20.50/hr.	
((#)) Lots 0-5 bu.	(((\$9/lot)) \$10/lot	(((\$15/hr.)) \$20.50/hr.	
	((Total bushels X \$0.36/bu.))		((With application))
Audit	None	(((\$15/hr.)) \$20.50/hr.	When billed

~~((#Small lot fee applies when over twenty percent of total lots audited range between 0 and 10 bu. inclusive.))~~

(b) Tree certification - \$20.50/hr.

~~((i) Bare root seedlings - \$20/m with a minimum of six hundred dollars per growing site.~~

~~((ii) Container and tubing seedlings - fifty cents per thousand for a total of less than two million with a minimum of six hundred dollars per growing site; thirty cents per thousand for quantities over two million per growing site.~~

~~((iii) Forty percent of the fee to accompany the application at the beginning stage of the crop. Final billing will be based on the number when packed.))~~ Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totalling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, ~~((signs,))~~ cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at ~~(((\$15/hr.))~~ \$20.50/hour payable when billed.

(d) OECD certification (certificates of provenance) - \$0.50 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-051 FOREST REPRODUCTIVE MATERIAL - FIELD STANDARDS.

(1) Tested and selected classes. Applicant shall maintain continuous record(s) satisfactory to certifying agency which maintains the identity of the reproductive material through all stages of production, collection, processing, storage, and disbursement from stores, and, in addition, such records as needed to trace the pedigree and document the performance of the reproductive material. The records shall include but are not limited to those involving:

(a) Selection, location, and origin of the parent trees.

(b) Pollen, seed, scions, etc., collection, processing, inventory, storage, and use in tree improvement and breeding programs.

(c) Design, establishment and management of test(s) and the collection, analysis and interpretation of test data.

(d) Nursery stock production.

Certifying agency shall inspect all phases of the field operation including periodic checks of parent trees, pollen and scion collections; pollinations; cone harvest, storage, processing and inventory; and tests, together with appropriate records ~~((used in the field. Certifying agency shall record and identify each lot of reproductive material produced in the field for use in tree improvement program(s) unless the applicant has provided an accurate and safe method of accountability from the field through processing and use)).~~

(2) Source identified reproductive material. Applicant shall develop and make correct use of collector and buyer labels, collector registration, and transportation records, and for nursery stock, labels and records identifying the stock as originating from source identified or better reproductive material.

(a) Subclass A.

(i) Control of collectors shall be such that applicant and certifying agency personally know beyond a reasonable doubt the seed zone or breeding zone or code or ~~(([portion] [portions]))~~ portions thereof ~~((as delineated by legal description)),~~ and 500-foot elevation increment or specified elevation increment for breeding zone(s) or code(s) within which reproductive material was collected. Control of producers of nursery stock shall be such that applicant and certifying agency personally know beyond a reasonable doubt that the nursery stock was produced from source identified subclass A or better reproductive material.

(ii) Applicant shall provide certifying agency with a written reproductive material collection and/or nursery stock production plan (not later than three days) prior to collection of reproduction material or production of nursery stock.

(iii) Further, all following requirements of subclass B shall be met.

(b) Subclass B.

(i) All collectors shall be supervised sufficiently so that either buyers know where reproductive material was collected, or buyers shall purchase all reproductive material that collectors present for sale without differential of acceptance stated or implied, as to source, location, seed zone, or elevation.

(ii) Buyer shall require collector to sign collector's registration record prior to collection of reproductive material. He shall also issue collector's labels, and direct collector to complete them and place them in or attach them to each container of reproductive material before it is transported from point of collection. Coincident with purchase of reproductive material, he shall complete description on labels including species, source by seed zone, breeding zone or code, elevation increment, special collection area if any, certification class, date of purchase and his signature or initials.

(iii) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer's name.

(iv) Buyer shall maintain transportation record showing species, seed zone, elevation increment, units of reproductive material, and date shipped.

(v) Producers of nursery stock shall be supervised sufficiently so that applicant knows that the stock was produced from source identified subclass B or better reproductive material.

(vi) The certifying agency shall advise the applicant of problems or conditions that affect competent verification or execution of these standards by certifying agency and applicant.

(vii) Unless other arrangements are made, the certification class shown by the producer on all containers of reproductive material ~~((must))~~ shall be verified by the certifying agency before being transported from the receiving station. The producer is responsible for evidence of verification of the certification class applied for.

(3) Audit class reproductive material.

(a) Buyer shall require collector to sign collector's registration record and to complete collector's labels prior to purchase of reproductive material.

(b) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer.

(c) Buyer or other shipper of reproductive material shall maintain a transportation record showing species, seed zone, elevation increment, units of reproductive material and date shipped.

(d) Producers of nursery stock shall maintain auditable records identifying the stock as being produced from audit class or better reproductive material.

AMENDATORY SECTION (Amending Order 1834, filed 6/21/84)

WAC 16-319-061 FOREST REPRODUCTIVE MATERIAL—CONDITIONING STANDARDS. (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to conditioning shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise producer before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is conditioned. During conditioning, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels ~~((with))~~ shall remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before conditioning another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed one-half of one percent by weight; trees, cuttings, scions, etc. one percent by number; pollen one percent by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material ~~((with))~~ shall be done by the applicant with the label being affixed to the container: PROVIDED, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the producer upon demand and, if verified by the certifying agency, ~~((must))~~ shall be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and 16-319-061 (6)(b)(ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test ~~((must))~~ shall be recorded in detail.

(iv) Trees to be planted for tests ~~((must))~~ shall be grown together in soil as uniform as possible, or, if they are grown in different soils, ~~((must))~~ shall be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check ~~((must))~~ shall be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test ~~((must))~~ shall be clearly reported if they are significantly inferior at the ninety-five percent level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical.

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label ~~((must))~~ shall show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot ~~((must))~~ shall drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

~~((10) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.))~~

AMENDATORY SECTION (Amending Order 1506, filed 4/11/77)

WAC 16-319-081 FOREST REPRODUCTIVE MATERIAL—AFFIRMATION BY CERTIFYING AGENCY. Affixing of label or label and seal to a container of forest reproductive material or to a certificate of ~~((origin))~~ provenance or certificate of genetic identity by the certifying agency affirms that to the best of its knowledge the reproductive material meets these forest reproductive material certification standards.

NEW SECTION

WAC 16-319-091 FOREST REPRODUCTIVE MATERIAL—MIXING OF LOTS. (1) When lots collected in the same or different crop seasons are deliberately mixed, the new lot shall be given a new identification number and certification label. The certification class shall drop to the lowest certification class represented in the new lot.

(2) For the tested and selected classes, the certification label shall show the components of the new lot and the percentage of each in the new lot, or this information shall be contained on a properly executed certificate of genetic identity placed in, or attached to each container of the lot before other labels or seals are affixed.

(3) For the source identified classes and the audit class, the certification label shall show the components of the new lot and the percentage of each in the new lot.

(4) Lots being mixed shall be uniformly blended into the new lot so that they are near equally represented throughout the new lot.

(5) The producer of the new lot shall make the last viability information for the component parts of the new lot available to the certifying agency and prospective user or buyer upon demand.

NEW SECTION

WAC 16-319-101 FOREST REPRODUCTIVE MATERIAL—REJECTION OF CERTIFICATION. Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of field or processing standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- Bentgrass: (subject to poa annua quarantine) ((Astoria Colonial^{AAA})) ((Bardot Colonial^A)) ((Highland Colonial^{AA})) Seaside Creeping^{***} Emerald Creeping^{**}
- Big Bluegrass: Sherman^{**}
- Canada Bluegrass: (subject to poa annua quarantine) Reubens^{**}
- Canby Bluegrass: Canbar^{**}
- Kentucky Bluegrass: (subject to poa annua quarantine) ((A-20-6^A)) A-34 (Bensun)^{**} Adelphi^{**} Amason^{*} America^{*} Argyle^{**} Banff^{**} Barblue^{*pvpV} Baron^{**} Birka^{*} ((Bonnieblue (Pac)^{AA})) Bono (Birdie)^{*} ((Bristol^A)) Cheri (Golf)^{*} Classic^{**} ((Cougar^A)) Cynthia^A Delta^{AA}) Eclipse^{*} Enmundi^{*pvpV} Fylking^{**} Georgetown^{**} Geronimo^{*} Glade^{**} Haga^{*} Harmony^{*} Holiday^{*} Ikone^{**} ((I-13^{AA})) Julia^{*} Kenblue^{*} Kyosti^{*} ((Liberty^{AA})) Majestic^{**}

- Merion^{**} Monopoly^{*} Mystic^{*} Nassau^{**} Newport^{**} Nugget^{*} Nutop^{*} ((Pacific^{*pvpV})) Parade^{*} Park^{**} Pennstar^{*} Plush^{*} Ram I^{*pvpV} Rugby^{*} Swing^{*} Sydsport^{*} S-21^{**} Touchdown^{**} Troy^{**} ((Victa^A)) Wabash^{*} Welcome^{*}
- Rough Bluegrass: Colt
- Meadow Brome: Regar^{**}
- Mountain Brome: Bromar^{**}
- Smooth Brome: Baylor^{*} Beacon^{*} ((Blair^{AA})) Mancha^{**} Rebound^{*} ((Sac^{AA})) Saratoga^{*}
- (((Deertongue: Trioga^A)))
- Fescue: (subject to poa annua quarantine - except tall fescue) ((Cascade Chewing^{AA})) Countess Chewing^{**pvpV} ((Arid Tall^A)) ((Jamestown Chewing^{*pvpV})) Barcel Tall^{*pvpV} Barfalla Chewing^{**} Durar Hard^{**} Finelawn 1-Tall^{**} ((Scaldia Hard^A)) Dawson-Red^A Idaho-Joseph^{AA}) Joseph Idaho Nezpurs Idaho^{*pvpV} ((Novorubra-Red^A)) Logro Slender Creeping Red^{**pvpV} Manade Tall^{*} ((Pennlawn-Red^A)) Rebel Tall^{*} ((Ruby-Red^A)) Safe Tall^{*} ((Wintergreen-Red^{AA})) Covar Sheep^{**} ((Alta Tall^{AA})) Fawn Tall^{AA}) Beaumont meadow^{*} First Meadow^{**} Forager Tall^{*}
- Orchardgrass: Hay King^{*} Latar^{**} ((Prairie^{AA})) Pennlate^A Potomac^A)
- Redtop: Streaker^{_}
- Indian Ricegrass: Nezpar^{**}
- Perennial Ryegrass: (subject to poa annua quarantine) All-Star^{**} ((Belle^A)) ((Cropper^{AA})) ((Diplomat^{*pvpV})) ((Eika^A)) Friend^{*pvpV} ((LP-20^A)) Manhattan^A Norica^A Pennfine^{*pvpV} Yorktown^{*pvpV} Yorktown II^{*pvpV})
- Puccinellia distans: Fults^{*}

Timothy: ((Champlain*))
 Clair*
 Climax*
 Hokuo*
 ((Mohawk**))
 Nosappu*
 ((Pronto*))

Wheatgrass: Whitmar Beardless**
 Secar Bluebunch**
 ((Fairway-Crested*
 Ruff-Crested*))
 Nordan Crested**
 Ephraim Rhizomatous Crested**
 ((Amur-Intermediate**))
 Greenar**
 Intermediate**
 Oahe Intermediate*
 Tegmar Intermediate*
 ((Siberian**
 Greenleaf-Pubescent**
 Luna-Pubescent**))
 Topar Pubescent**
 ((Primar-Stender**))
 P-27 Siberian**
 Sodar Streambank**
 Critana Thickspike**
 ((Atkar-Tall**))

Wild Rye: Bozoisky Russian**))

Basin Wild Rye: Magnar**

Russian Wild Rye: Bozoisky Select**

Redman*
 Reddy*
 Ruby**
 Sapporo*
 Tristan*
 W-116*

(2) Variety restrictions. Kenstar: No seed production permitted year of seeding.

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-815 OTHER CLOVER VARIETIES. Following are the other clover varieties eligible and the certification scheme for each:

White Clover: ((Sacramento-Ladimo*))
 Star*
 Aran**pvpV

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

((A-24**
 A-59**))
 Agate*
 Anchor*
 Answer*
 ((Apalachec*))
 Aquarius*
 ((Apollo*))
 Apollo II*
 ((Arc*))
 Armor*
 Atlas*
 Atra-55*
 Baker*pvpV
 Big Ten*
 Blazer*
 Challenger*
 Cimarron*
 ((Citation*))
 Classic*
 ((Defender*
 Delta**))
 DK-135*
 Drummor*
 ((Duke*
 Dupuits*))
 Eagle*
 Endure*
 ((Epic*))
 Excalibur*
 ((Expo*))
 Gladiator*
 G-2815*
 G-7730*
 Hi-Phy*
 Honeoye*pvpV
 Iroquois*
 Julius*
 ((Ladak**
 Ladak-65*
 Liberty**
 Maverick*
 Marathon**))
 Maxim*
 Mesilla**
 Mohawk*
 ((Multicaf*pvpV
 Narragansett**
 Nomad**
 Nugget*
 Olympic*))
 Oneida*pvpV
 Peak*

(2) Variety restrictions.

NO. OF SEED HARVESTS
 FOUNDATION REGISTERED CERTIFIED

	NO. OF SEED HARVESTS FOUNDATION REGISTERED	CERTIFIED
(a) Kentucky Bluegrass:		
Baron	5	5
Birka	2 + 3 Cert.	5
((Bonnieblue	2 + 5 Cert.	5
Bristol	4	4
Cougar	3	6))
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
((Pacific	5	5))
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) ((Deertongue:		6
Fioga		6
(c)) Orchardgrass:		
Pennlate	3	6
((d) Perennial Ryegrass:		
Belle	4 + 2 Cert.	5
Diplomat	5 + 2 Cert.	5
Elka	4	4
Pennfine	2 + 2 Cert.	4
Yorktown II	4 + 3 Cert.	4
Manhattan	2 + 5 Cert.	5))

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*
 Chesapeake*
 ((E-688*))
 Flare*
 Florex*
 Florie*
 Hamidori*
 Kenland*
 Kenstar*pvpV
 Lakeland*
 ((Pennscott*))
 Prosper I*
 Redland*pvpV
 Redland II*

Perry*
 Phytor*
 Polar II*
 Preserve*
 Primal*
 ((Prowler*
 Raidor*
 Ramsey*))
 Ranger**
 Riley*
 Saranac*
 Saranac AR*pvpV
 Shenandoah*
 Sparta*
 ((Spectrum*))
 Spredor 2*
 Sverre*
 ((SX-10*))
 SX-217*
 SX-418*
 ((Team*
 Tempo*
 Titan*
 Trident*))
 Trumpetor*
 Turbo*
 Vernal*
 Vancor*
 ((Vanguard*))
 Vernema*
 Vista*
 ((Voris-A77*))
 WL-220*
 ((Washoe*))
 Weevichek*
 WL-221*
 WL-312*
 WL-313*
 WL-315*pvpV
 WL-316*pvpV
 WL-318*
 ((WL-320*pvpV))
 WL-320*pvpV
 Wrangler*
 88*
 120*
 123*
 130*
 521*
 520*
 526*
 530*
 531
 532*
 581*
 5444*
 624*
 629

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
((Defender	2	3		5))
Drummor	2	3		5
((Duke		3		5)
Epic		4		6
Expo		3		5))
G-7730		3		5
Honeoye		3		6
Iroquois		3		6
((Maverick		3		5)
Multitaf		3		6))
Oneida		3		6

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
((Prowler	2	3		5)
Raidor	2	3		5))
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
((Trident		2		5))
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
((Voris-A-77		2		5))
WL-221		3		
WL-313		3		
WL-315		3		5
WL-316		3		5
Wrangler				6
120		3		
123		2		4
130		3		5
526		3		5

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	((Bigbend**)) NW-59** NW-63** Rufus** U of I 42*
Pinto:	Holberg* Fiesta*pvpV NW-410 NW-590 Nodak** Olathe**pvpV Pindak** U of I 114*** ((Wyo-166**))
Pink:	Gloria** Harold** Roza** Victor** Viva**
Small White:	Chief** Bonus** Aurora**
Kidney:	((Pilgrim*)) Royal Red**, ((Carmine*))
Snap Bean:	((Apollo**)) Epoch**pvpV ((Yakima** Fanta**))
Navy:	Bunsi**, C-20**, ((Duty:)) Hyden**, Laker**, NW 395**, Seafarer** Duty (Pulsar)*
Great Northern:	Emerson*, Harris**
Black Turtle:	Black Turtle Soup** #39 Black Beauty** Ebony**pvpV
((Large, Round White	Snowball**))

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-880 RAPESEED—SEED STANDARDS. Rape-seed standards shall be as follows:

	Purity	Foundation Registered Certified		
		(Min.)	99.00%	99.00%
Pure seed	(Min.)	99.00%	99.00%	99.00%
Other crop and/or varieties	(Max.)	((1/50 grams 2/100 grams	1/50 grams 2/100 grams	2/50 grams 4/100 grams
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	((10/50 grams 20/100 grams	10/50 grams 20/100 grams	20/50 grams 40/100 grams
Prohibited noxious weeds (1)		None	None	None
Objectionable weeds (2)	(Max.)	((1/50 grams 2/100 grams	1/50 grams 2/100 grams	2/50 grams 4/100 grams
Oil Analysis (3)				
Germination	(Min.)	85.00%	85.00%	85.00%

- Note:
- (1) None means none found during normal inspection procedures. None is not a guarantee that the lot is free of noxious weed seeds.
 - (2) Objectionable weed seeds are defined as: Restricted noxious plus: Brassica nigra, Sinapis arvensis, Brassica juncea, and Raphanus, raphanistrum.
 - (3) Erucic acid and glucosinolate content shall be within tolerances as described by the plant breeder for each variety.

WSR 87-08-064
PROPOSED RULES
BOARD OF PHARMACY
 [Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning pharmacy internship requirements, amending WAC 360-10-010 through 360-10-080;

that the agency will at 9:30 a.m., Friday, May 15, 1987, in the Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101, 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 18.64.005(11).

The specific statute these rules are intended to implement is RCW 18.64.080(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 14, 1987.

Dated: March 31, 1987

By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Summary, Purpose of Rule and Reason Proposed: Amended WAC 360-10-010 through 360-10-080 would revise the internship requirements to improve the procedures and update the internship program.

Statutory Authority: RCW 18.64.005(11).

Responsible Agency Personnel: The board and the executive secretary of the board have responsibility for drafting, implementing and enforcing these rules. The executive secretary is Donald H. Williams, 319 East 7th Avenue, W.E.A. Building, FF-21, Olympia, Washington 98504, phone (206) 753-6834.

Proponents of the Proposed Rule: Washington State Board of Pharmacy.

Federal Law or State or Federal Court Requirements: Not necessitated as a result of federal law or state or federal court action.

Small Business Economic Impact Statement: Not necessary since this rule does not impact small businesses as that term was defined by RCW 43.31.920.

Chapter 360-10 WAC INTERNSHIP REQUIREMENTS

WAC	
360-10-010	General requirements.
360-10-020	Registration of interns ((and preceptors)).
360-10-030	Rules for the pharmacy intern.
360-10-040	Intern training reports.
360-10-050	Requirements for preceptor certification.
360-10-060	Rules for preceptors.
360-10-080	Special internship approval.

AMENDATORY SECTION (Amending Order 139, filed 12/9/77)

WAC 360-10-010 GENERAL REQUIREMENTS. (1) RCW 18.64.080 ~~((5))~~(3) states: "Any person enrolled as a student of pharmacy in an accredited college may file with the state board of pharmacy an application for registration as a pharmacy intern——." A student of pharmacy shall be defined as any person enrolled in a college or school of pharmacy accredited by the board of pharmacy or any ~~((person enrolled in a prepharmacy program at an accredited college, and whose credits are acceptable for transfer by accredited colleges))~~ graduate of any accredited college or school of pharmacy.

(2) As provided for in RCW 18.64.080 ~~((3))~~(4) the board ~~((may specify not more than one year of internship requirement. The board))~~ of pharmacy hereby establishes fifteen hundred hours for the internship requirement. ~~((Credit may be allowed for up to three hundred hours for the completion of approved clinically oriented classes within a college of pharmacy; provided further that an additional five hundred hours of credit for the internship shall be granted to graduates of schools or colleges of pharmacy approved by the board))~~

(a) For graduates prior to February 1, 1988, credit may be allowed:

(i) Up to three hundred hours for experiential classes as part of the curriculum of an accredited college or school of pharmacy commonly referred to as externship;

(ii) Five hundred hours of credit for the internship shall be granted to graduates of board approved schools or colleges of pharmacy;

(iii) Up to five hundred hours for experience obtained after completing the first quarter/semester of pharmacy education, and including any breaks or vacations.

(b) For graduates after February 1, 1989, up to:

(i) Five hundred hours of experiential classes as part of the curriculum of an accredited college or school of pharmacy commonly referred to as externship;

(ii) One thousand hours for experience obtained after completing the first quarter/semester of pharmacy education, and including any breaks or vacations.

(c) In all cases, at least two hundred hours of internship must be gained after graduation.

(3) An applicant for licensure as a pharmacist who has completed seven hundred internship hours will be permitted to take the state board examination for licensure; however, no pharmacist license will be issued to the applicant until the fifteen hundred internship hours have been completed.

(4) ~~((Credit for up to five hundred hours at the rate of no more than fifteen hours per week may be allowed for part-time experience gained during the period while a student is regularly enrolled in a college; and full-time experience allowed while a student is enrolled for less than six quarter credit hours or four semester credit hours. This shall not exclude experience gained during regular student holiday and vacation periods.~~

(5) To retain a certificate as a pharmacy intern ~~((for the six year period prescribed by law)),~~ the intern must make continuing satisfactory progress in completing the pharmacy course.

~~((6))~~ (5) Experience must be obtained under the guidance of a preceptor who has met certification requirements prescribed in WAC 360-10-050 and has a certificate except as hereinafter provided for experience gained outside the state of Washington.

~~((7))~~ (6) Experience obtained in another state may be accepted toward the fulfillment of the fifteen hundred hour requirement provided that a letter is received from the board of pharmacy of that state in which the experience is gained and such letter indicates the experience gained would have been acceptable internship experience to the board of pharmacy in that state.

~~((8))~~ (7) A pharmacy intern shall not receive credit for any hours which predate his ~~((enrollment in a school of pharmacy, which does not include enrollment in a prepharmacy educational program. PROVIDED HOWEVER, That any pharmacy internship hours which predate this amendatory regulation shall be acceptable for any intern taking the state pharmacy board examination prior to July 1, 1972))~~ /her completion of the first unit of pharmacy education.

AMENDATORY SECTION (Amending Order 175, filed 8/30/83)

WAC 360-10-020 REGISTRATION OF INTERNS ~~((AND PRECEPTORS)).~~ ~~((+))~~ In order to be registered as a pharmacy intern, the ~~((qualified))~~ applicant ~~((in WAC 360-12-010))~~ must file with the board of pharmacy an application for registration as a pharmacy intern as provided for in RCW 18.64.080. The application shall be accompanied by a fee as specified in WAC 360-18-020.

~~((2)) A pharmacist who has met the certification requirements prescribed in WAC 360-10-050 and presented proper application to, and has been accepted by the board of pharmacy shall be certified as a preceptor. The board shall issue a certificate to qualified applicants and the certificate shall be in the pharmacy during the period that the intern is receiving training in the pharmacy.~~

~~(3) Registration as a preceptor shall be valid until July 31 of the odd-numbered year following registration. Said registration can be renewed by filing a renewal registration form supplied by the board of pharmacy no later than July 31st of the odd-numbered year. Said form shall indicate that the renewal applicant has the necessary qualifications to continue as a preceptor.)~~

AMENDATORY SECTION (Amending Regulation 48, filed 6/17/66)

WAC 360-10-030 RULES FOR THE PHARMACY INTERN.

(1) The intern shall send notification to the board of pharmacy on or before the first day of beginning of his/her training. Such notification shall consist of the date, the name of the pharmacy, and the name of the preceptor where the intern expects to begin his/her internship. The board of pharmacy shall promptly notify the intern of the acceptability of the preceptor under whom the intern expects to gain experience. Internship credit will not be accepted until the preceptor has been certified.

(2) The pharmacy intern shall engage in the ~~((compounding and dispensing of pharmaceutical preparations))~~ practice of pharmacy, and the selling of items restricted to sale under the supervision of a ~~((registered))~~ licensed pharmacist, only while he/she is under the direct and personal supervision of a certified preceptor.

AMENDATORY SECTION (Amending Order 106, filed 6/3/71)

WAC 360-10-040 INTERN TRAINING REPORTS. (1) The intern shall file with the board on forms provided by the board an internship evaluation report ~~((with the board))~~ at the completion of internship training ~~((and at the termination of any employment. The evaluation report shall include the following: Evaluation of:~~

~~(a) The preceptors under whom internship was served;~~

~~(b) Evaluation of the entire program.~~

~~(2) Upon completion of the intern's fifteen hundred hours of experience, the last preceptor under whom this experience was obtained shall file a report with the board. Such report shall briefly describe the type of professional experience received under the preceptor's supervision and the preceptor's opinion on the ability of the intern to practice pharmacy)) experience at each site.~~

~~((3)) (2) The board of pharmacy shall provide the necessary affidavit forms to ~~((certify))~~ the intern for the purpose of certification of the hours of experience, which shall only include hours under the personal supervision of a preceptor. Affidavits must be certified and recorded in the office of the board of pharmacy not later than thirty days ~~((prior to examination and the termination of any employment))~~ after the completion of any site internship experience. Completion of any site experience is intended to mean those situations when neither the intern nor the preceptor anticipate further intern experience at some later date at that site.~~

~~((4)) (3) The intern's report and all or part of the hours covered by the period of the report can be rejected by the board if, for the period involved, the pharmacy intern has not performed ~~((adequate pharmaceutical services))~~ the practice of pharmacy adequately.~~

~~(4) Certification of at least seven hundred hours must be submitted to the board office thirty days prior to licensing examination.~~

AMENDATORY SECTION (Amending Order 106, filed 6/3/71)

WAC 360-10-050 REQUIREMENTS FOR PRECEPTOR CERTIFICATION. (1) A pharmacist who is ~~((registered))~~ licensed and actively engaged in practice in a Class A pharmacy in the state of Washington, and who has met certification requirements prescribed in this section of the regulation and who has ~~((been certified by the board of pharmacy shall be known as a "pharmacy preceptor."))~~ completed a board approved training program within the last two years, and who has been certified by the board of pharmacy shall be known as "pharmacist preceptor." The board shall give consideration to extenuating circumstances that make attendance at a training program an excessive burden for the pharmacist. The requirement for attendance of an approved training program becomes effective January 1, 1989.

(2) The ~~((pharmacy))~~ pharmacist preceptor must have completed twelve months as a ~~((registered))~~ licensed pharmacist engaged in the ~~((compounding and dispensing of pharmaceuticals))~~ practice of pharmacy as defined in RCW 18.64.011(11).

(3) Any preceptor or preceptor applicant who has been found guilty of a drug or narcotic violation or whose pharmacist license has been revoked ~~((or)),~~ suspended, or placed on probation by the state board of pharmacy shall not be eligible for certification as a preceptor, ~~((unless special permission is obtained from the board of pharmacy))~~ until completion of the probationary period, and a showing of good cause for certification as a pharmacist preceptor.

(4) ~~((The pharmacy preceptor shall subscribe the following professional standards:~~

~~(a) The preceptor shall use every precaution to safeguard the public when dispensing any drugs or preparations; he shall make no attempt to prescribe for or to treat disease.~~

~~(b) The preceptor shall keep his pharmacy clean, neat, and sanitary, and well equipped with accurate measuring and weighing devices and other apparatus suitable for the proper performance of his professional duties.~~

~~(c) The preceptor shall be a good citizen and uphold and defend the laws of the states and nation; he shall keep himself informed concerning pharmacy and drug laws, and other laws pertaining to health and sanitation, and shall cooperate with the enforcement authorities.~~

~~(d) The preceptor shall willingly make available his expert knowledge of drugs to the intern and other health professions.~~

~~(e) The preceptor shall strive to perfect and enlarge his professional knowledge. He shall keep himself informed regarding professional matters by reading current pharmaceutical, scientific, and medical literature, attending seminars and other means.~~

~~(f) The preceptor shall seek to attract to his profession, youth of good character and intellectual capacity and aid in their instruction.~~

~~(g)) The preceptor shall be responsible for the quality of the internship training under his/her supervision and he/she shall ~~((insure))~~ assure that the intern actually engages in pharmaceutical activities during that training period.~~

(5) The board of pharmacy shall withdraw a preceptor's certification upon proof that the preceptor failed to meet or maintain the requirements as stated in this section.

AMENDATORY SECTION (Amending Order 102, filed 12/5/69)

WAC 360-10-060 RULES FOR PRECEPTORS. (1) The ~~((pharmacy))~~ pharmacist preceptor shall supervise the pharmacy intern and shall be responsible for the sale of restricted items, and the compounding and dispensing of pharmaceuticals dispensed by an intern.

(2) The pharmacist preceptor must use the workbook plan of instruction for interns obtained at a training program offered by the board, in addition to other material or workbook they choose to use.

(3) Upon completion of the intern's experience at each site, the preceptor under whom this experience was obtained shall file a report with the board. Such report shall briefly describe the type of professional experience received under the preceptor's supervision and the preceptor's evaluation of the intern's ability to practice pharmacy at that stage of internship.

(4) The board of pharmacy shall provide the necessary affidavit forms to certify hours of experience under the personal supervision of a preceptor. Affidavits must be certified and recorded in the office of the board not later than thirty days after the completion of any site intern experience; provided that any experience necessary for eligibility to take the licensing examination must be in the board office no later than thirty days prior to the examination.

(5) The ~~((pharmacy))~~ pharmacist preceptor may supervise more than one intern during a given time period; however, two interns may not dispense concurrently under the direct supervision of the preceptor. This is to say that two interns may dispense and record internship experience in the same day under one preceptor's direct supervision; however, they may not dispense and record internship experience during the same hour of the day.

AMENDATORY SECTION (Amending Order 114, filed 6/28/73)

WAC 360-10-080 SPECIAL INTERNSHIP APPROVAL. (1) The board will consider applications for approval of special internship programs. Such programs may be approved when the board determines that they offer a significant educational opportunity.

(2) Applications for special internship approval must be submitted at least ~~((fifteen))~~ thirty days prior to the next board meeting which will afford the board an opportunity to review the program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 360-10-070 REPEAL OF PRIOR REGULATIONS.

WSR 87-08-065
ADOPTED RULES
DEPARTMENT OF LICENSING
(Physical Therapy Board)
[Order PM 644—Filed April 1, 1987]

Be it resolved by the Washington State Physical Therapy Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to the examination of applicants, amending WAC 308-42-040.

This action is taken pursuant to Notice No. WSR 87-05-061 filed with the code reviser on February 18, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.74.023 which directs that the Washington State Physical Therapy Board has authority to implement the provisions of chapter 18.74 RCW.

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

APPROVED AND ADOPTED March 28, 1987.

By Patty Van Wagner
Chairman

AMENDATORY SECTION (Amending Order 704207 [PL 455], filed 8/7/70 [1/18/84])

WAC 308-42-040 EXAMINATIONS—WHEN HELD. (1) Examinations of applicants for licensure as physical therapists shall be held at least twice a year at the time and location prescribed by the board.

~~((2) If for religious or other reasons acceptable to the board, an applicant is unable to be examined on the appointed day, another examination may be given within a reasonable time on a day approved by the board.))~~

~~((3))~~ (2) Physical therapy students in their last year may apply for licensure by examination prior to graduation under the following circumstances:

(a) Receipt of a letter from an official, of their physical therapy school, verifying the probability of graduation prior to the date of the examination for which they are applying.

(b) Results of the examination will be withheld until a diploma, official transcript or certification letter from the registrar's office certifying completion of all requirements for degree or certificate in physical therapy is received by the department.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 87-08-066
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning tagging requirements for bobcat, Canada lynx and river otter, amending WAC 232-12-024;

that the agency will at 9:00 a.m., Tuesday-Wednesday, May 19-20, 1987, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 19-20, 1987.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 18, 1987.

Dated: April 1, 1987

By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-024 Tagging requirements for bobcat, Canada lynx and river otter.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Requires hunters and trappers to tag pelts of bobcat, Canada lynx, and river otters which is critical to furbearer management programs.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

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

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-024 TAGGING REQUIREMENTS FOR BOBCAT, CANADA LYNX AND RIVER OTTER. It is unlawful to possess or export from the state of Washington, bobcat, Canada lynx or river otter pelts or parts thereof taken in Washington unless they have a department identification tag attached to them.

Pelts of ~~((bobcat))~~ lynx and river otter must be tagged within ten days after the close of the appropriate hunting or trapping season. ~~((Pelts of bobcat must be tagged within ten days of date of harvest.))~~

Bobcat, Canada lynx or river otter taken outside Washington and imported into the state, must be identified by a tag from the state or country of origin and accompanied by an invoice or declaration specifying the number of pelts in the shipment.

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 87-08-067
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning permits for special hunting seasons, amending WAC 232-12-131;

that the agency will at 9:00 a.m., Tuesday-Wednesday, May 19-20, 1987, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 19-20, 1987.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 18, 1987.

Dated: April 1, 1987
By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-131 Permits for special hunting seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Allows a person who received a special hunting season elk permit to reapply the next year.

Reasons Supporting the Proposed Rule: Simplify the process for applicants for special elk hunting permits.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

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

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-131 PERMITS FOR SPECIAL HUNTING SEASONS. (1) Holders of valid hunting licenses may apply for permits for special hunting seasons as prescribed by the commission.

~~(2) It is unlawful for a person receiving a special hunting season elk permit to apply for such a permit for the next two years. A person applying for an elk permit during that period will be disqualified for an additional two years, in addition to any other penalty provided by law.~~

~~(3) (((2))) It is unlawful for a person receiving a special hunting season goat permit to apply for such a permit for the next five years. A person applying for a goat permit during that period will be disqualified for an additional five years, in addition to any other penalty provided by law.~~

~~(4) (((3))) It is unlawful for a person receiving a special hunting season permit for mountain sheep to apply for another permit for that species if they are successful in taking a mountain sheep. A person who receives a special permit for mountain sheep and is unsuccessful in taking a sheep may reapply after waiting for five years. A person applying for a permit during that period will be disqualified for an additional five years, in addition to any other penalty provided by law.~~

~~(5) (((4))) It is unlawful for a person receiving a moose permit to apply for another permit for that species.~~

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 87-08-068
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning report required of licensed hound hunters, adopting WAC 232-12-136;

that the agency will at 9:00 a.m., Tuesday-Wednesday, May 19-20, 1987, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 19-20, 1987.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 18, 1987.

Dated: March 31, 1987
By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-136
Report required of licensed hound hunters.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Requires all licensed hound hunters to report harvest data which is critical to wildlife management programs.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

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

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-136 REPORT REQUIRED OF LICENSED HOUND HUNTERS. It is unlawful for any licensed hound hunter to fail to complete and submit an accurate hunter report to the Department on or before April 10 of each year. The hunter report will be on a form provided by the Department.

WSR 87-08-069
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-28-213	1987 Hunting seasons and game bag limits for [and] 1987 Game management units and area legal descriptions.
Rep	WAC 232-28-212	1986 Hunting seasons and game bag limits and 1986 Game management units and area legal descriptions;

that the agency will at 9:00 a.m., Tuesday-Wednesday, May 19-20, 1987, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 19-20, 1987.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 18, 1987.

Dated: March 31, 1987
By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-213
1987 Hunting seasons and game bag limits and 1987 Game management units and area legal descriptions.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Establishes 1987 Hunting seasons and game bag limits and 1987 Game management units and area legal descriptions in the manner outlined in the 1986 pamphlet.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

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

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-213 1987 HUNTING SEASONS AND GAME BAG LIMITS AND 1987 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1987 Hunting seasons and game bag limits and 1987 Game management units and area legal descriptions proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

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

WAC 232-28-212 1986 HUNTING SEASONS AND GAME BAG LIMITS AND 1986 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS

WSR 87-08-070
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning the amendment of WAC 232-14-010; and amendment of WAC 220-110-010, 220-110-020, 220-110-030, 220-110-040, 220-110-050, 220-110-060, 220-110-080, 220-110-090, 220-110-100, 220-110-110, 220-110-120, 220-110-140, 220-110-190, 220-110-200, 220-110-210, 220-110-220, 220-110-320, 220-110-340 and 220-110-350 as adopted by reference (WAC 232-14-010), regarding procedural guidelines for administration of the state hydraulic code, RCW 75.20.100, 75.20.103, 75.20.106, 75.20.130 and 75.20.140. See CR-1 notice dated April 1, 1987, filed by the Washington Department of Fisheries [WSR 87-08-062];

that the agency will at 9 a.m., Tuesday, May 19, 1987, in the Ridpath Hotel, West 515 Sprague, Spokane, WA, conduct a public hearing on the proposed rules jointly with director of Department of Fisheries.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 20, 1987.

The authority under which these rules are proposed is RCW 77.12.010, 75.20.100, [75.20].103, [75.20].106, [75.20].130 and [75.20].140 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 75.20.100, [75.20].103, [75.20].106, [75.20].130 and [75.20].140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 1, 1987.

Dated: March 31, 1987

By: Chris Drivdahl
Division Chief

STATEMENT OF PURPOSE

Title: WAC 220-110-010 Purpose; 220-110-020 Definitions; 220-110-030 Hydraulic project approvals—Procedures; 220-110-040 Freshwater technical provisions; 220-110-050 Bank protection; 220-110-060 Bridge, pier, and piling construction; 220-110-080 Channel change—Temporary and permanent; 220-110-090 Channel realignment; 220-110-100 Conduit crossing; 220-110-110 Culvert installation; 220-110-120 Temporary bypass culvert or flume; 220-110-140 Gravel removal; 220-110-190 Water diversions; 220-110-200 Mineral prospecting (panning); 220-110-210 Mineral prospecting (sluicing); 220-110-220 Mineral prospecting (dredging); 220-110-320 Dredging; 220-110-340 Informal appeal of adverse administrative decisions; and 220-110-350 Formal appeal of adverse administrative decisions.

Description of Purpose: Modify hydraulic code rules.

Statutory Authority: RCW 75.08.080 and 77.12.010.

Summary of Rule: WAC 220-110-010 changes purpose statement; 220-110-020 adds definition for "established ford," clarifies other definitions; 220-110-030 provides for mandatory emergency approval, on-going seasonal activity without reapplication, civil penalty, and exceptions to application requirement; 220-110-040 corrects punctuation; 220-110-050 removes bulkhead construction requirement; 220-110-060 removes anchoring system requirement; 220-110-080, 220-110-090 and 220-110-120 require stranded fish to be returned to water; 220-110-100 clarifies multiple nonapplicable provisions; 220-110-110 deletes unnecessary wording; 220-110-140 eliminates monitoring requirement; 220-110-190 simplifies screening requirement and clarifies berm dam construction criteria; 220-110-200, 220-110-210 and 220-110-220 clarify mineral prospecting criteria; 220-110-320 increases salt water dredging minimum depth in selected areas; and 220-110-340 and 220-110-350 clarify appeal processes.

Reasons Supporting Proposed Action: WAC 220-110-010, makes purpose statement consistent with underlying statute; 220-110-020, conformation to statutory definitions and clarification; 220-110-030, conformation to statutory intent, clarification of agency jurisdiction and intent; 220-110-040, no substantive change; 220-110-050, deleted requirements are seldom used; 220-110-060, deleted requirement unnecessary; 220-110-080, 220-110-090 and 220-110-120, protection of fish life; 220-110-100, clarification; 220-110-110, simplification; 220-110-140, unnecessary technical provision removed; 220-110-190, deletion of overly technical criteria and addition of typical provisions for diversion; 220-110-200, 220-110-210 and 220-110-220, provide mineral prospecting opportunity with reasonable safeguards for fish life, conforms regulation with existing provisions in "gold and fish" pamphlet; 220-110-320,

protection of juvenile fish migration patterns; and 220-110-340 and 220-110-350, conform regulation to statutory intent.

Personnel Responsible for Drafting and Implementation: David Mudd, Habitat Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-3318, and Duane Phinney, Habitat Management Division, Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, phone (206) 753-3621; and Enforcement: John Gillespie, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740, and James W. McKillip, Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, phone (206) 753-6585.

These rules are jointly proposed by the Washington Department of Fisheries and the Washington Game Commission.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

Reviser's note: This is part of a joint filing with the Department of Fisheries (see WSR 87-08-062).

AMENDATORY SECTION (Amending Order 256, filed 11/6/84)

WAC 232-14-010 HYDRAULIC CODE GUIDELINES. The State Hydraulic Code, RCW 75.20.100, 75.20.103, 75.20.106, 75.20.130, and 75.20.140, is jointly administered by the department((s)) of fisheries and department of game, by law separate agencies. That code requires that prior to construction or other work that will use, divert, obstruct, or change the natural flow or bed of any ((~~river or stream or that will utilize any~~)) of the salt or fresh waters of the state ((~~or materials from the stream beds~~)), that written approval be obtained from the director((s)) of the department((s)) of fisheries ((and)) or department of game. Rules establishing procedures for obtaining a hydraulic project approval and explaining criteria, policies and procedures typically utilized by the department((s)) of fisheries and department of game in administering the Hydraulic Code have been jointly promulgated by the two agencies. The body of the regulations is codified as WAC 220-110-010 et seq., which can be found under rules and regulations codified for the department of fisheries. Those rules, chapter 220-110 WAC, as last amended by the department of fisheries Order ((84-176)) 87-..., are here adopted by reference and also made a part of Title 232 WAC.

WSR 87-08-071

PROPOSED RULES

DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking)

[Filed April 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Banking, Department of General Administration, intends to adopt, amend, or repeal rules concerning determination of requested state(s) possession of reciprocal interstate acquisition laws, creating new section WAC 50-48-100, Interstate acquisition reciprocity—States possessing;

that the agency will at 10:00 a.m., Tuesday, May 5, 1987, in the Office of the Supervisor of Banking, Room

219, 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 RCW 30.04.232 (1)(c).

The specific statute these rules are intended to implement is RCW 30.04.232.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 5, 1987.

Dated: April 1, 1987

By: Thomas H. Oldfield
Supervisor

STATEMENT OF PURPOSE

Title: Interstate acquisition reciprocity—States possessing.

Description of Purpose: To implement RCW 30.04.232 by making determination regarding reciprocity of the interstate banking laws of certain states with the laws of Washington.

Statutory Authority: RCW 30.04.232 (1)(c).

Specific Statute Rule is Intended to Implement: This rule is promulgated pursuant to RCW 30.04.232 and is intended to administratively implement that statute.

Summary of Rule: The rule establishes that the following states have been determined by the supervisor of banking to meet the reciprocity qualifications set forth in RCW 30.04.232 (1)(b): Alaska, New York, and Oregon.

Reasons Supporting Proposed Action: The legislature has authorized the supervisor of banking to establish a rule upon the request of any person under RCW 30.04.232 (1)(c) to determine whether a specific state(s)' laws meet the reciprocity qualifications set forth in RCW 30.04.232 (1)(b). This rule is intended to carry out this legislative authorization.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Supervisor of Banking and Deputy Supervisor of Banking.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Division of Banking, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal of [or] State Court Action: Not applicable.

Small Business Economic Impact Statement: No impact on small business, except possible benefit to certain small businesses located in communities where a bank is being acquired by a bank holding company that provides a wider range of services than previously offered by the acquired bank.

NEW SECTION

WAC 50-48-100 INTERSTATE ACQUISITION RECIPROCITY—STATES POSSESSING. The supervisor of banking, having reviewed the laws of the following states as they relate to a domestic (Washington) bank holding company acquiring more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal

operations of which are conducted within such states, has determined, pursuant to RCW 30.04.232, that the laws of such states allow a domestic bank holding company to acquire a bank, trust company, or national banking association, the principal operations of which are conducted within such states, and permit the operation of the acquired bank, trust company, or national banking association within such states on terms and conditions no less favorable than other banks, trust companies, or national banking associations doing a banking business within such states: (1) Alaska, (2) New York, and (3) Oregon.

WSR 87-08-072
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1922—Filed April 1, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restrictions on the use of restricted use herbicides in chapters 16-230, 16-231 and 16-232 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 due to substantial damage to grape vineyards during the last spray season caused by drift of restricted use herbicides and data provided through the hearing process, additional restrictions on the application of restricted use herbicides are necessary. The 1987 spray season begins April 1.

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

This rule is promulgated pursuant to chapters 15.58 and 17.21 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 1, 1987.

By C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1585, filed 12/20/78)

WAC 16-230-470 RESTRICTED USE HERBICIDES—SPOKANE COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over ((+2)) twelve miles per hour throughout the year: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved

hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-615 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—SALE AND DISTRIBUTION. Liquid formulations of restricted use herbicides distributed in packages of one gallon ((and)) or larger in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except for liquid amine formulations of ready-to-use products, or liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use in containers up to and including one gallon in size.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-640 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—WEATHER AND TEMPERATURE CONDITIONS. Restricted use herbicides shall not be applied on and after ((May)) April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: PROVIDED, That application at the rate of fifty gallons or more per acre by use of handgun spray equipment only shall be exempt from the 85°F. temperature cutoff requirement: PROVIDED FURTHER, That when using the invert system, applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at fifteen or more gallons per acre.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-645 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—EVENING CUTOFF. On and after May 1 through October 31 of each year, the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties ((under order)) as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-650 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—APPLICATION PERMIT. The Washington state department of agriculture may issue a permit, upon receipt of a written

request, to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted (~~in the area under order~~) by rule. The director (~~will~~) may consider recommendations of the 2,4-D committee for the county in question; PROVIDED, That the 2,4-D committee is kept current for each county.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-655 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—GROUND EQUIPMENT PRESSURE REQUIREMENTS. Pressure shall not exceed (~~25 psi~~) twenty-five pounds per square inch at the nozzles; PROVIDED, That pressure up to (~~50 psi~~) fifty pounds per square inch at the nozzle may be used for (~~an invert system and for~~) equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-665 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—AIRCRAFT RESTRICTIONS NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard; PROVIDED, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards; PROVIDED FURTHER, That no distance restrictions shall apply to aerial applications of restricted use herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County (~~orders~~) restrictions.

NEW SECTION

WAC 16-230-673 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—APPLICATION THROUGH IRRIGATIONS SYSTEMS. Restricted use herbicides applied through irrigation systems shall be subject to the same requirements as ground applications of restricted use herbicides except for nozzle size and pressure requirements.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-015 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 1. (1) Area 1 description. (a) (Prosser to Finley and vicinity.) This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south of the Yakima River, and that portion of T8N, R28E, lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E;

Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36, and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

(b) An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north eight miles to the northeast corner of Section 6, T6N, R26E; thence west one mile to the northwest corner of Section 6, T6N, R26E; thence south three miles to the southwest corner of Section 18, T6N, R26E; thence east six miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southwest corner of Section 15, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northwest corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence one mile north to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches; PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited; PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-020 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 2. (1) Area 2 description. (a) (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River, Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, Sections

21 through 25, and Section 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, Sections 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D. Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of Sections 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

(b) Also including an area beginning at the boundary of (Yakima and Benton Counties in Benton County at the northwest corner of) Section 19, T13N, R24E; thence east three miles to the northeast corner of Section 21, T13N, R24E; thence south one mile to the southeast corner of Section 21, T13N, R24E; thence east one mile to the northeast corner of Section 27, T13N, R24E; thence south four miles to the southeast corner of Section 10, T12N, R24E; thence west to the southwest corner (Yakima-Benton County line) of Section 7, T12N, R24E; thence north to the point of beginning.

(c) An area near Patterson bordering Area 1. A two-mile border around Area 1 beginning at the southwest corner of Section 10, T5N, R26E; thence following section lines north ten miles to the northeast corner of Section 28, T7N, R26E; thence five miles west to the northwest corner of Section 26, T7N, R25E; thence south three miles to the southwest corner of Section 2, T6N, R25E; thence west six miles to the northwest corner of Section 11, T6N, R24E; thence south seven miles to the southwest corner of Section 11, T5N, R24E; thence two miles east to the northwest corner of Section 18, T5N, R25E; thence four miles south to the southwest corner of Section 31, T5N, R25E; thence east along section lines to the Columbia River; thence northeasterly along the shore of Blalock Island to the point of origin.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April ((5)) 1 through October 31.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be ((made using danger area restrictions (see WAC 16-230-675). PROVIDED, That aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to)) prohibited except by written permit issued by the Washington state department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other susceptible crops. On and after November 1 through ((April-4)) March 31 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-030 RESTRICTED USE HERBICIDES—BENTON COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 1 on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-033 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—BENTON COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Benton County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1726, filed 3/16/81)

WAC 16-231-115 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1. (1) Area 1 description. ((Lands generally within the Columbia

~~Basin irrigation project.) This area includes all lands lying within a boundary line starting at the Columbia River and the south section line of Section 24, T13N, R27E; thence east along the section lines and the Basin Hill Road seventeen miles more or less to state Highway 17; thence northerly along state Highway 17, five miles more or less to state Highway 260; thence east along state Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the Adams County line to the northwest corner of Section 6, T14N, R28E; thence south four miles along the Grant County line to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River six miles more or less to the south section line of Section 24, T13N, R27E))~~ (a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along section lines nineteen miles to the Burlington Northern Railroad tracks; thence southeasterly approximately four miles to Moon Road; thence south two miles to State Highway 260; thence west along State Highway 260 approximately five miles to its intersection with State Highway 17; thence south along State Highway 17 approximately fourteen miles to its intersection with Highway 395; thence east one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south fifteen miles more or less along the section lines to the junction of the east section line of Section 25, T9N, R30E, and the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence following the Columbia River westerly and northerly to the north section line of Section 28, T14N, R27E; thence east along the Grant County line four miles more or less to the northeast corner of Section 25, T14N, R27E; thence north along the Grant County border four miles to the point of origin.

(b) Also including (Ice Harbor Dam area) Levey: This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after ((November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675). On and after April 5

~~through October 31, aircraft applications of restricted use herbicides shall be allowed using the danger)) April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: PROVIDED, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).~~

~~((d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered:))~~

AMENDATORY SECTION (Amending Order 1726, filed 3/16/81)

WAC 16-231-125 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 2. (1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northwest corner of Section 36, T14N, R30E; thence east along the Hendricks Road five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to state Highway 17; thence northerly along state Highway 17 fourteen miles more or less to the northwest corner of Section 36, T14N, R30E excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31 of each year((: PROVIDED, That ground applications of low volatile formulations of restricted use herbicides may be made from April 5 through April 30 using nozzles having a minimum orifice diameter of 0.036 inches)).

(b) On and after ((May)) April 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be ((made using the danger area restrictions (see WAC 16-230-675))) prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

WAC 16-231-145 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Area 1 and 1A on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-148 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—FRANKLIN COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Franklin County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
- (b) The address or location of the land where the chemical was applied;
- (c) The year, month, day, and time the chemical was applied;
- (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
- (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
- (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
- (g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-215 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 1. (1) Area 1

description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides shall be allowed only on nonirrigated lands on and after November 1 through April 4 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of restricted use herbicides shall be prohibited on and after April 5 through October 31: PROVIDED, That ((aircraft applications shall be allowed using the warning area restrictions)) hormone sprays may be applied to orchards to prevent fruit drop: PROVIDED FURTHER, That aircraft applications shall be allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35, and 36, T8N, R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops(~~PROVIDED~~, That hormone sprays may be applied to orchards to prevent fruit drop)).

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-225 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 2. (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-235 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Areas 1 and 1A on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-238 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—YAKIMA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 below Union Gap of Yakima County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-340 RESTRICTED USE HERBICIDES—ADAMS COUNTY—WIND CONDITIONS. (1) Area 1 and 2. (a) The use or application of restricted use herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of restricted use herbicides shall be prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: PROVIDED FURTHER, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: AND PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-343 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—ADAMS COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Adams County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

WAC 16-231-425 RESTRICTED USE HERBICIDES—COLUMBIA COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

WAC 16-231-530 RESTRICTED USE HERBICIDES—WHITMAN COUNTY—WIND CONDITIONS. (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of restricted use herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED,

That ground applications of restricted use herbicides are allowed when using No. 2RD or No. 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less.

(3) All Areas. Applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1668, filed 2/20/80)

WAC 16-231-620 RESTRICTED USE HERBICIDES—Klickitat County—Wind Conditions. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

WAC 16-231-720 RESTRICTED USE HERBICIDES—OKANOGAN COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

WAC 16-231-840 RESTRICTED USE HERBICIDES—DOUGLAS AND CHELAN COUNTIES—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: PROVIDED, That applications of restricted use herbicides shall be allowed

in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-910 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly (and easterly) along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and east along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: **PROVIDED**, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: **PROVIDED**, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: **PROVIDED**, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: **PROVIDED FURTHER**, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

NEW SECTION

WAC 16-231-912 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1A. (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence following Highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions. (a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 1 through October 31: **PROVIDED**, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: **PROVIDED**, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through March 31 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 1 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-935 RESTRICTED USE HERBICIDES—GRANT COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when

the mean sustained wind velocity is over twelve miles per hour on and after November 1 through ~~((April 15))~~ March 31 of the following year, and over ten miles per hour from April ~~((16))~~ 1 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-938 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—GRANT COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1, 1A and 2 of Grant County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
- (b) The address or location of the land where the chemical was applied;
- (c) The year, month, day, and time the chemical was applied;
- (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
- (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
- (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
- (g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-231-120 AREA 1A.

AMENDATORY SECTION (Amending Order 1724, filed 3/13/81)

WAC 16-232-010 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 1. (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, ~~((Section 15,))~~ Section 15, T6N, R32E; thence north ((nineteen miles more or less to the Snake River, thence west-erly along the Snake River and)) to the northeast corner of Section 15, T7N, R32E; thence east to the intersec-tion of Section 10, T7N, R33E; thence 14 sections north with a portion of the north to south boundary being the Touchet River Road to its intersection with State Route 124; thence west approximately one-half mile to the inter-section of State Route 124 and G.M. Rice Road; thence northerly along G.M. Rice Road to the Snake River, thence southwesterly along the Snake River to the Columbia River, thence southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formu-lations of restricted use herbicides is prohibited on and after April ~~((5))~~ 1 through October 31.

(b) On and after April ~~((5))~~ 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

~~((On and after April 5 through April 30, aerial applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).))~~

~~((d))~~ On and after ((May)) April 1 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-035 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 1 and 2 on and after April ~~((5))~~ 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That applications of re-stricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in de-termining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on re-search data.

NEW SECTION

WAC 16-232-038 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—WALLA WALLA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Walla Walla County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

WAC 16-232-225 RESTRICTED USE HERBICIDES—GARFIELD COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour; PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1754, filed 3/31/82)

WAC 16-232-315 RESTRICTED USE HERBICIDES—KITTITAS COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre; PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-232-125 WIND CONDITIONS.

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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