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ISSUE 87-22



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filed not later than November 4, 1987

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of November 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%).

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# 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 are 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 MATERIAL

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 material is new material;
  - (ii) ~~deleted material 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's office. 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's office 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's office 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.

1987 – 1988

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
87-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988
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88-01	Nov 25	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 26
88-02	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 9
88-03	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 3	Feb 23
88-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 8
88-05	Jan 20	Feb 3	Feb 17	Mar 2	Mar 22
88-06	Feb 3	Feb 17	Mar 2	Mar 16	Apr 5
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88-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
88-09	Mar 23	Apr 6	Apr 20	May 4	May 24
88-10	Apr 6	Apr 20	May 4	May 18	Jun 7
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<sup>1</sup>All 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.

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

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

**WSR 87-21-077**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 20, 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 food assistance programs, new chapter 388-49 WAC, and repealing chapter 388-54 WAC;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is RCW 74.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: October 20, 1987  
 By: Leslie F. James, Director  
 Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025. Adopting chapter 388-49 WAC.

**Purpose of the Rule or Rule Change:** To rewrite food stamp regulations in the new format and approved writing style. Chapter 388-49 WAC replaces chapter 388-54 WAC.

**Statutory Authority:** RCW 74.04.050.

**Summary of the Rule Change:** This change is a complete rewrite of the food stamp WAC.

**Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule:** Dana Beck, Community Services Program Manager 2, Division of Income Assistance, phone 234-4912 scan.

These rules are because rewrite of the food stamp WAC was a mandate by the secretary.

#### NEW SECTION

WAC 388-49-010 **PURPOSE OF PROGRAM.** The food stamp program promotes the general welfare and well-being of the nation's population by raising the nutritional levels of program participants. The program permits low-income households to obtain a more nutritious diet through increased purchasing power.

#### NEW SECTION

WAC 388-49-015 **GENERAL PROVISIONS.** (1) The rules in this chapter are for the purpose of administrating the food stamp program. Rules and definitions in other chapters of Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.

(2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.

(4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.

(5) The department shall retain:

(a) Food stamp case records for three years from the month of origin of each record, and

(b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:

- (a) Age,
- (b) Race,
- (c) Color,
- (d) Sex,
- (e) Handicap,
- (f) Religious creed,
- (g) Political beliefs, or
- (h) National origin.

(7) The department shall display nondiscrimination posters provided by FNS in all offices administrating the food stamp program.

(8) An individual believing he or she has been subject to discrimination may file a written complaint with the:

- (a) Food and nutrition service, or
- (b) State office for equal opportunity.

(9) The department shall restrict use or disclosure of information obtained from applying or participating households to:

(a) Individuals directly connected with the administration or enforcement of the provisions of:

- (i) The Food Stamp Act or regulations,
- (ii) Other federal assistance programs, or
- (iii) Federally assisted state programs providing assistance on a means-tested basis to low-income individuals.

(b) Employees of the comptroller general's office of the United States for audit examination authorized by any other provision of law; and

(c) Local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:

- (i) Identity of the individual requesting the information,
- (ii) Authority of the individual to make the request,
- (iii) Violation being investigated, and
- (iv) Identity of the person about whom the information is requested.

(10) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.

(11) The department shall make the following program information available to the public upon request during regular office hours:

- (a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and
- (b) Washington Administrative Code and the food stamp procedures manual at the local office.

(12) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.

(13) The department shall not permit volunteers or other persons not employees of the department to conduct certification interviews or certify food stamp applicants except:

- (a) During a presidential or FNS-declared disaster, or  
 (b) Social security administration (SSA) employees for supplemental security income (SSI) households as provided in WAC 388-49-040.  
 (14) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

#### NEW SECTION

WAC 388-49-020 DEFINITIONS. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not an individual committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by department action or failure to act when the household properly and accurately reported all the household's circumstances to the department.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to conduct contested case hearings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated in writing by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household and paying reasonable compensation to the household for lodging and meals.

(11) "Budget month" means the first month of the monthly reporting cycle. The month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone under eighteen years of age and under parental control.

(14) "Collateral contact" means contact with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means a licensed enterprise offering meals and lodging for compensation.

(16) "Dependent care deduction" means payment made to a non-household member for care of a child or other dependent when a household member is seeking, accepting, or continuing employment, or attending training or education leading to employment.

(17) "Destitute household" means a household with migrant or seasonal workers with little or no income at the time of application in need of immediate food assistance.

(18) "Disabled person" means a person:

(a) Receiving supplemental security income (SSI) under Title XVI of the Social Security Act;

(b) Receiving disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Who is a veteran with service-connected disability rated or paid as a total under Title 38 of the United States Code (USC), or considered in need of regular aid and attendance, or permanently housebound under such title;

(d) Who is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the USC; or

(e) Who is a surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act.

(19) "Documentary evidence" means written confirmation of a household's circumstances.

(20) "Documentation" means the process of recording the source, date, and content of verifying information.

(21) "Elderly person" means a person sixty years of age or older.

(22) "Eligible food" means, for a homeless food stamp household, meals prepared for and served by an authorized homeless meal provider.

(23) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(24) "Equity value" means fair market value less encumbrances.

(25) "Expedited services" means quick provision of food stamps to households with little or no income and resources or destitute migrant or seasonal farm workers having immediate need for food assistance.

(26) "Fair hearing" means a hearing conducted by the office of administrative hearings at the client's request to decide whether action taken or intended action by the department is correct.

(27) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(28) "Food coupon" means food stamps and the two terms are interchangeable.

(29) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(30) "Food stamp monthly reporting cycle" means the budget month, the process month, and the payment month.

(31) "Gross income eligibility standards" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(32) "Group living arrangement" means a public or private non-profit residential setting serving no more than sixteen residents certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(33) "Head of household" means:

(a) The person designated by the household to be named on the case file, identification card, and FCA card;

(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:

(i) The employment involves at least twenty hours per week; and

(ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,

(B) Exempt from work registration because of WIN registration or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week.

(34) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(34) "Homeless food stamp household" means an eligible food stamp household having no fixed mailing address or not residing in a permanent dwelling.

(36) "Homeless meal provider" means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by division of income assistance (DIA) and authorized from FNS.

(37) "Household" means the basic client unit in the food stamp program.

(38) "Household disaster" means when food purchased with food stamps are destroyed by a natural disaster, such as flood, fire, etc.

(39) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(40) "Inadvertent household error overissuance" means any overissuance caused by misunderstanding or unintended error on the part of the household.

(41) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(42) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(43) "Intentional program violation", after August 8, 1983, means:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or  
 (c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

(44) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(45) "Job search" means mandatory search for employment as prescribed by the employment security department (ESD) including:

(a) Contacting up to twenty-four prospective employers during an eight-week period or two four-week periods or periods of mandatory job search each time they are entered into the food stamp program or each twelve months, whichever occurs first,

(b) Reporting at a prescribed time to the ESD on all job contacts twice during the eight-week period, and

(c) Complying with ESD follow-up interviews.

(46) "Live-in attendant" means an individual residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(47) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(48) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(49) "Migrant farmworker" means an individual working in seasonal agricultural employment and who is required to be absent overnight from his or her permanent place of residence.

(50) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(51) "Nonhousehold member" means a person not considered a member of the food stamp household such as a boarder, live-in attendant, ineligible student, and an individual not purchasing and preparing meals with the food stamp household.

(52) "Nonstriker" means any person:

(a) Exempt from work registration the day prior to the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed by employer in order to resist demands of employees, e.g., a lockout.

(53) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(54) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(55) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(56) "Parental control" (in loco parentis) means a child under eighteen years of age living with parents or who is under the control of the parent or any adult other than natural parents. Anyone seventeen years of age or younger, not married and living with an adult (eighteen years of age or over), whether related or not, is considered under parental control of the adult and cannot be certified as a separate household.

(57) "Payment month" means the third month of the budget cycle. The month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(58) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(59) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(60) "Process month" means the second month of the budget cycle. The month in which the monthly report is to be returned by the household to the local office.

(61) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(62) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

(63) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(64) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(65) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(66) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(67) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(68) "Resident of an institution" means an individual receiving the majority of meals as part of the institution's normal service.

(69) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income existing in the corresponding budget month of the monthly reporting cycle.

(70) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the report month.

(71) "Roomer" means an individual to whom a household furnishes lodging, but not meals, for compensation.

(72) "Seasonal farmworker" means an individual working in seasonal agricultural employment who is not required to be absent from his or her permanent place of residence overnight.

(73) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home including interest on such payments.

(74) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(75) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

(76) "Sponsor" means a person executing an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(77) "Sponsored alien" means an alien lawfully admitted for permanent residence.

(78) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(79) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(80) "Student" means any person:

(a) Between eighteen and sixty years of age,

(b) Physically and mentally fit for employment, and

(c) Enrolled at least half time in an institution of higher education.

(81) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(82) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(83) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(84) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

(85) "Work incentive program (WIN)" means a program authorized under Title IV-C of the Social Security Act to provide for employment and training services for AFDC applicants and recipients.

#### NEW SECTION

WAC 388-49-030 FILING AN APPLICATION. (1) The department shall:

- (a) Make application forms readily available, and
- (b) Provide an application to any person requesting one.

(2) A person shall file an application by submitting the form to the CSO:

- (a) In person,
- (b) By mail, or
- (c) Through an authorized representative.

(3) A household consisting of SSI members may file an application at the social security administration district office (SSADO).

(4) A person has a right to file an application on the same day he or she contacts the department.

(5) The department shall accept an incomplete application filed by a responsible household member or authorized representative who:

- (a) Completes the name and address, and
- (b) Signs the application.

#### NEW SECTION

WAC 388-49-040 SUPPLEMENTAL SECURITY INCOME HOUSEHOLDS. (1) The department shall complete certification of applications processed by SSADO no later than thirty days after the date a food stamp application is filed at the SSADO.

(2) The department shall begin the expedited service time frame on the date the correct community services office (CSO) receives the application.

(3) The department shall complete recertification when a timely request has been made through SSADO.

#### NEW SECTION

WAC 388-49-050 AUTHORIZED REPRESENTATIVE. (1) An authorized representative shall be a person who:

- (a) Applies for coupons on behalf of the household,
- (b) Obtains coupons for the household, and
- (c) Uses the coupons to purchase food for the household.

(2) The department shall inform the household it will be held liable for any overissuance resulting from erroneous information supplied by the authorized representative.

(3) The department shall certify residents of alcohol or drug treatment centers through an authorized representative who is a designated employee of the facility.

(4) The department shall certify residents of group living arrangements:

- (a) Through an authorized representative who is a designated employee of the facility, or
- (b) Through an authorized representative of their own choosing, or
- (c) On their own behalf.

(5) An employee of the department shall not act as an authorized representative without the written approval of the CSO administrator.

(6) An authorized representative may act on behalf of more than one household with CSO administrator approval.

(7) Persons disqualified for intentional program violation shall not be designated as authorized representatives unless no other is available.

(8) The department shall disqualify a person from acting as an authorized representative for up to one year when the authorized representative:

- (a) Knowingly provides false information,
- (b) Misrepresents the household's circumstances, or
- (c) Misuses the food coupons.

(9) The department shall send written notice to the affected household and the authorized representative thirty days prior to the disqualification in subsection (8) of this section.

#### NEW SECTION

WAC 388-49-060 INTERVIEW PROCESS. (1) The department shall conduct a face-to-face interview prior to certification and recertification. The person interviewed shall be:

- (a) Any responsible household member, or
- (b) An authorized representative.

(2) The person being interviewed may bring any person to the interview.

(3) Unless waived, the department shall conduct an interview:

- (a) At the CSO, or
- (b) At the social security administration district office for SSI households.

(4) If waived, the department shall conduct an interview:

- (a) Through a home visit, or
- (b) Over the telephone.

#### NEW SECTION

WAC 388-49-070 PUBLIC ASSISTANCE HOUSEHOLDS.

(1) The department shall conduct a single interview at initial application for public assistance and food stamps.

(2) The department shall not delay the household's food stamp benefits pending verification of the public assistance eligibility.

#### NEW SECTION

WAC 388-49-080 EXPEDITED SERVICE. (1) The department shall provide expedited service for applying households when the household:

- (a) Has liquid resources of one hundred dollars or less, and
- (b) Has gross monthly income under one hundred fifty dollars, or
- (c) Is a destitute migrant or seasonal farm worker.

(2) The department shall provide food stamps to households eligible for expedited services by the end of the fifth calendar day following the date the application was filed.

(3) The department shall provide food stamps to residents of drug and alcohol treatment centers eligible for expedited service, by the seventh working day following the date of application.

(4) When certifying a household eligible for expedited service, the department shall:

- (a) Verify the household's identity;
- (b) Make a reasonable effort to verify residence, income, liquid resources, and all other required verifications within the expedited processing standards;

(c) Require the applicant to register for work unless exempt or the authorized representative is applying for the household and shall attempt to register other household members;

(d) Issue benefits within the standard for expedited service; and

(e) Assist the household in obtaining necessary verification.

(5) The department shall certify an expedited service household when all necessary verification has been provided based on certification periods in WAC 388-49-160.

(6) The department shall certify for one month when necessary verification has been postponed.

(7) The department shall certify for the month of application and the subsequent month when:

- (a) Verification is postponed, and
- (b) The application is received after the fifteenth of the month.

(8) There is no time limit to the number of times a household may receive expedited service provided:

(a) The household completes the postponed verification requirements, or

(b) The household was certified under the thirty-day processing standard since the last expedited certification.

(9) The department shall conduct an out-of-office interview and complete the application process within the expedited service standard when a household is entitled to expedited service and a waiver of the office interview.



NEW SECTION

WAC 388-49-090 **DESTITUTE HOUSEHOLD.** (1) The department shall consider a migrant or seasonal farm worker destitute when:

(a) The household's income for the month of application was received prior to the date of application and was from a terminated source, and/or

(b) The household's income for the month of application is from a new source and not more than twenty-five dollars will be received before the tenth calendar day after the date of application.

(2) The department shall calculate eligibility and benefit level for the month of application by:

(a) Using income the household receives between the first of the month and the date of application, and

(b) Disregarding income from a new source the household anticipates after the day of application.

(3) The department shall consider a household member changing jobs but continuing to work for the same employer to be receiving income from the same source.

NEW SECTION

WAC 388-49-100 **RIGHTS AND RESPONSIBILITIES.** The department shall advise the household of the following:

(1) The right to:

(a) Receive an application upon request;

(b) File an application the day of receipt;

(c) If eligible, receive food stamps within thirty days after the application is filed;

(d) If eligible, receive expedited services;

(e) Have a fair hearing;

(f) Have information remain confidential; and

(g) Be treated without nondiscrimination because of age, handicap, color, sex, religion, race, national origin, or political beliefs.

(2) The responsibility to:

(a) Report certain changes, and

(b) Submit a food stamp monthly report each month if applicable.

NEW SECTION

WAC 388-49-110 **VERIFICATION.** (1) Sources of verification shall be:

(a) Documentary evidence,

(b) Collateral contacts, and

(c) Scheduled home visits.

(2) The household has primary responsibility for providing documentary evidence. The department shall offer to assist in obtaining documentary evidence if it would be difficult or impossible for the household to obtain in a timely manner.

(3) At initial application, the department shall verify:

(a) Identity of:

(i) The person making the application, or

(ii) The authorized representative.

(b) Residency,

(c) Resources,

(d) Loans,

(e) Gross nonexempt income,

(f) Shelter expenses if the expense could result in a deduction,

(g) Utility expenses,

(h) Medical care expenses,

(i) Dependent care expenses,

(j) Household size, and

(k) Household composition.

(4) At recertification, the department shall verify a change in income, medical expenses, or actual utility expenses claimed by a household if the source has changed or the amount has changed by more than twenty-five dollars since the verification was completed.

(5) The department shall verify questionable information.

NEW SECTION

WAC 388-49-120 **APPLICATION DISPOSITION.** (1) The department shall provide a household with an opportunity to participate no later than thirty days following the date the application was filed.

(2) The department shall send a written notice of approval, denial, or pending status to all applicants as soon as a determination is made, but not later than thirty days after the date of application.

(3) The department shall delay the written notice until the thirtieth day when the household has been denied food stamps with an eligibility decision pending for AFDC or SSI.

(4) The household may voluntarily withdraw the application any time prior to the determination of eligibility.

NEW SECTION

WAC 388-49-150 **DELAYED AND PENDED APPLICATIONS.** (1) When the department does not determine eligibility or provide benefits within thirty days after the date of application, the department shall determine if the delay is the fault of the household or the department.

(2) When the delay is the fault of the household, the household shall:

(a) Lose benefits for the month of application,

(b) Have an additional thirty days to take the required action, and

(c) Be denied and be required to file a new application when the application process is not complete by the end of the second thirty-day period.

(3) When the delay is the fault of the department, the department shall take immediate corrective action:

(a) If the case file is complete, the department shall process the application.

(b) If the case file is incomplete, the department shall pend the application.

(c) If the case is incomplete after sixty days from the date of application, the department shall deny the application.

NEW SECTION

WAC 388-49-160 **CERTIFICATION PERIODS.** The department shall certify households:

(1) Receiving assistance to coincide with the assistance review or to the end of the assistance period whichever is earlier,

(2) Consisting of migrants up to three months,

(3) Without earned income in which all members are elderly or disabled for up to twelve months,

(4) With little likelihood of change for six months,

(5) Reporting monthly for six months, and

(6) All other households for up to three months.

NEW SECTION

WAC 388-49-170 **RECERTIFICATION.** (1) The department shall provide a notice of expiration to all eligible households:

(a) Not earlier than fifteen days prior to, and not later than, the first day of the household's last month of certification for a multi-month period; or

(b) At the time of certification if the household is certified for up to two months.

(2) A household provided a notice of expiration reapplies timely when the department receives the application by:

(a) The fifteenth day of the last month of certification, or

(b) The fifteenth day after the notice is received if the notice is provided at the time of certification.

(3) The department shall approve or deny households reapplying and completing the application process and shall notify the household of approval or denial:

(a) By the end of the current certification period, or

(b) Not later than thirty days after the last allotment when certified for one month.

(4) A household shall lose its right to uninterrupted benefits when it fails to:

(a) Submit a timely reapplication, or

(b) Appear for a face-to-face interview without good cause.

NEW SECTION

WAC 388-49-180 **CATEGORICAL ELIGIBILITY.** (1) The department shall determine households categorically eligible for food stamps when all household members are authorized to receive AFDC and/or SSI benefits.

(2) The department shall exempt a categorically eligible household from the following food stamp eligibility requirements:

(a) Resources,

(b) Gross and net income standards,

(c) Social security number requirement,

(d) Sponsored alien requirement, and

- (e) Residency requirement.
- (3) A household shall not be categorically eligible when:
  - (a) An entire household is institutionalized, or
  - (b) Any household member is disqualified from the food stamp program for any reason.

**NEW SECTION**

WAC 388-49-190 HOUSEHOLD CONCEPT. (1) The department shall consider the following as households:

- (a) A person who lives alone;
- (b) A person who lives with others and who purchases and prepares meals separate and apart from the others;
- (c) A group of persons who live together and purchase and prepare meals together; or
- (d) A permanently disabled, elderly person unable to prepare meals.
  - (i) The person must be living with others.
  - (ii) The person's spouse shall be included in the household.
  - (iii) The income of the other household members cannot exceed one hundred sixty-five percent of the poverty level.
- (2) The department shall not grant separate household status to:
  - (a) Children under eighteen years of age under parental control of a member of the household;
  - (b) Parents living with natural, adoptive, or stepchildren, or such children living with parents unless one parent is elderly or disabled;
  - (c) A spouse of a household member;
  - (d) Siblings unless one sibling is:
    - (i) Elderly or disabled, and
    - (ii) Purchasing and preparing separately.
  - (e) A boarder.
- (3) The department shall consider the following persons residing with the household as nonhousehold members:
  - (a) Roomers,
  - (b) Live-in attendants,
  - (c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household,
  - (d) Ineligible students,
  - (e) Ineligible aliens, or
  - (f) Disqualified persons because of:
    - (i) Intentional program violation,
    - (ii) Refusal to apply for or provide an SSN,
    - (iii) Workfare sanction, and
    - (iv) Noncompliance with work registration requirements.

**NEW SECTION**

WAC 388-49-200 RESIDENTS OF INSTITUTIONS. Residents of institutions are not eligible for participation in the food stamp program unless they are:

- (1) Residents of federally subsidized housing for the elderly built under section 202 of the Housing Act of 1959 or section 236 of the National Housing Act,
- (2) Residents in a drug or alcohol treatment and rehabilitation program,
- (3) Residents of group living arrangements who are blind or disabled and receiving benefits under Title II or Title XVI of the Social Security Act,
- (4) Women and children residing in a shelter for battered women and children, or
- (5) Residents of public or private nonprofit shelters for homeless persons.

**NEW SECTION**

WAC 388-49-210 ALCOHOL AND DRUG TREATMENT CENTERS. (1) Persons participating in a drug or alcohol treatment program on a resident basis may apply for food stamps provided the treatment program is administered by a private, nonprofit, or publicly operated organization certified by a state agency.

- (2) The department shall determine the person's eligibility:
  - (a) As a one-person household, and
  - (b) Through an authorized representative who is an employee of and designated by the treatment center.
- (3) The authorized representative shall:
  - (a) Be aware of the person's circumstances;
  - (b) Receive and use the food coupon allotment for meals served to the resident; and

(c) Notify the department of changes in income, resources, or circumstances within ten days of the change.

- (4) The treatment facility shall:
  - (a) Be responsible for any misrepresentation or intentional program violation,
  - (b) Assume total liability for food coupons held on behalf of resident, and
  - (c) Send a monthly list of participating residents signed by a center official to the CSO.

**NEW SECTION**

WAC 388-49-220 GROUP LIVING ARRANGEMENTS. (1) A resident of a group living arrangement may apply for food stamps provided:

- (a) The resident is receiving benefits from social security or supplemental security income, and
- (b) The group living arrangement is administered by a nonprofit organization certified by a state agency.
- (2) A resident may apply:
  - (a) Through an authorized representative of the group home and be certified as a one-person household, or
  - (b) On his or her own behalf and be certified according to the number of people in the person's household.
- (3) An authorized representative shall:
  - (a) Be aware of the resident's circumstances;
  - (b) Receive and use the food coupon allotment for meals served to the resident; and
  - (c) Notify the department of changes in income, resources, or circumstances within ten days of the change.
- (4) When the treatment facility acts as the authorized representative, the facility shall:
  - (a) Be responsible for any misrepresentation or intentional program violation,
  - (b) Assume total liability for food coupons held on behalf of the resident, and
  - (c) Send a monthly list of participating residents signed by an official to the CSO.

**NEW SECTION**

WAC 388-49-230 SHELTERS FOR BATTERED WOMEN AND CHILDREN. (1) The department shall allow residents of a shelter for battered women and children to participate in the food stamp program.

- (2) The department shall:
  - (a) Certify as a separate household a shelter resident who left a food stamp household containing a person abusing the resident;
  - (b) Provide an additional allotment as a separate household only once a month;
  - (c) Certify shelter residents on the basis of income, resources, and the expenses for which they are responsible; and
  - (d) Certify without regard to income, resources, and expenses of the former household.

**NEW SECTION**

WAC 388-49-240 MEALS FOR THE HOMELESS. Homeless food stamp recipients may use food stamps to purchase prepared meals from authorized homeless meal providers.

**NEW SECTION**

WAC 388-49-250 BOARDERS. (1) The department shall include at the household's request, any boarder paying reasonable compensation except:

- (a) The spouse of a household member,
- (b) Children under parental control of a household member, or
- (c) Adult children living with parents unless a parent is elderly or disabled.
- (2) The department shall consider a person paying less than reasonable compensation to be a member of the household that provides meals and lodging.
- (3) Residents of a commercial boarding home are not eligible for food stamps.

NEW SECTION

**WAC 388-49-260 NONHOUSEHOLD MEMBERS.** The department shall consider a person not part of the food stamp household as a nonhousehold member. Consider income and resources of a nonhousehold member as described in WAC 388-49-410 and 388-49-480. Nonhousehold members are categorized into two groups:

(1) Eligible nonhousehold members are persons who, if otherwise eligible, qualify as a separate household and are:

- (a) Roomers,
- (b) Live-in attendants, or
- (c) Others not customarily purchasing and preparing meals with the household.

Do not consider a nonhousehold eligible member when determining household size, income eligibility, or benefit level.

(2) Ineligible nonhousehold members are persons not eligible to participate as a separate household. Consider ineligible members as part of the household for determining household composition. Ineligible household members are:

- (a) Ineligible students and aliens, and
- (b) Disqualified persons because of:
  - (i) Disqualified persons because of intentional program violation,
  - (ii) Refusal to apply or provide an SSN,
  - (iii) Workfare sanction, or
  - (iv) Noncompliance with work registration requirements.

Do not consider an ineligible nonhousehold member when determining household size, income eligibility, or benefit level.

NEW SECTION

**WAC 388-49-270 SPONSORED ALIENS.** (1) The sponsored alien as defined in WAC 388-49-020 and spouse are responsible for providing information necessary to determine income and resources of the sponsor and spouse for three years from the alien's date of entry or admission as a lawful, permanent resident.

(2) The department shall recalculate income and resources when the alien switches sponsors during a certification period.

(3) The department shall verify:

- (a) The income and resources of the sponsor and spouse;
  - (b) The number of aliens the sponsor agreed to support;
  - (c) The provision of the Immigration and Nationality Act under which the alien is admitted;
  - (d) The alien's date of entry as a lawful, permanent resident;
  - (e) The alien's date and place of birth and alien registration number;
  - (f) The number of dependents for federal income tax of the sponsor and spouse; and
  - (g) The name, address, and telephone number of the alien sponsor.
- (4) If verification is not received on a timely basis, the sponsored alien and spouse shall be considered excluded household members.
- (5) The provisions of this section do not apply to:
- (a) An alien participating in the food stamp program as a member of the sponsor's household,
  - (b) An alien sponsored by an organization, or
  - (c) An alien not required to have a sponsor under Immigration and Nationality Act.

NEW SECTION

**WAC 388-49-280 COMMUNAL DINING AND DELIVERED MEALS.** Elderly or disabled household members and spouses may use food coupons to purchase meals:

- (1) Prepared at a communal dining facility authorized by FNS, or
- (2) From a nonprofit meal delivery service authorized by FNS.

NEW SECTION

**WAC 388-49-290 IDENTITY.** The household shall provide verification of the identity of:

- (1) Person making application, or
- (2) Authorized representative and head of household when an authorized representative applies on behalf of a household.

NEW SECTION

**WAC 388-49-300 RESIDENCY.** (1) Categorically eligible households, as described in WAC 388-49-180, do not have to meet residency requirements of this section.

(2) Household members shall live in the project area where the application is filed.

(3) The household shall provide verification of residency except in unusual cases where verification cannot reasonably be accomplished.

(4) The department shall not consider persons to be residents if they are in a project area solely for vacation purposes.

(5) No person may participate as a member of more than one household, or in more than one project area in any month unless that person is:

- (a) A resident of a shelter for battered women and children, and
  - (b) Was a member of a household containing the person abusing him or her.
- (6) The department shall not require a person to:
- (a) Have a fixed residence, or
  - (b) Intend to reside permanently in the state.

NEW SECTION

**WAC 388-49-310 CITIZENSHIP AND ALIEN STATUS.** (1) Except for subsection (2) of this section, persons participating in the food stamp program shall be residents of the United States and either:

- (a) A United States citizen,
- (b) An alien lawfully admitted for permanent residence, or
- (c) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act.

(2) Aliens legalized under section 245A of the Immigration and Nationality Act are ineligible for five years after attaining temporary resident status except for those who:

- (a) Attain permanent resident status, or
  - (b) Receive supplemental security income.
- (3) The household shall provide verification when:

- (a) Citizenship is questionable, or
  - (b) One or more of its members are aliens.
- (i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

- (A) Withdrawing the application, or
- (B) Participating without the alien member.

(4) An applicant shall be ineligible until:

- (a) Questionable citizenship is verified, or
- (b) Lawful alien status is verified.

(5) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

- (a) The applicant cannot produce acceptable citizenship verification, and
- (b) The household can reasonably explain why the verification is not available.

(6) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of the Immigration and Nationality Act.

(7) Lawfully admitted aliens who are ineligible include:

- (a) Alien visitors,
- (b) Tourists,
- (c) Diplomats, or
- (d) Students with temporary status.

NEW SECTION

**WAC 388-49-320 SOCIAL SECURITY NUMBER.** (1) Categorically eligible households, as defined in WAC 388-49-180, are not subject to the provisions of this section.

(2) Prior to certification, a person applying for or participating in the food stamp program shall:

- (a) Provide his or her social security number or numbers (SSN), or
- (b) Apply for and provide verification of SSN application if number is unknown or has not been issued.

(3) The department shall inform households:

- (a) Where to apply for an SSN,
- (b) What information is needed, and
- (c) Failure to apply for or provide an SSN shall result in the disqualification of the person for whom the SSN is not obtained.

(4) The department shall disqualify any person failing to provide or apply for an SSN. The disqualification shall continue until the person provides a SSN.

(5) The department shall allow the person to participate for one month in addition to the month of application if a household member can show good cause why a SSN application has not been completed in a timely manner. Good cause shall exist when:

- (a) Documentary evidence or collateral information verifies the person has applied for an SSN; or
  - (b) The person has made every effort to supply social security administration with necessary information; and
  - (c) Good cause does not include delays due to illness, lack of transportation, or temporary absence.
- (6) The department shall make every effort to assist the household member to obtain documents necessary for SSN application.
- (7) The department shall determine good cause for failure to apply monthly to allow persons to continue on the food stamp program.
- (8) Disqualified persons may become eligible when they provide their SSN.
- (9) The department shall not delay certification of an eligible household for verification of an SSN.

#### NEW SECTION

WAC 388-49-330 STUDENT. (1) A student, as defined in WAC 388-49-020, shall meet one of the following to receive food stamps:

- (a) Work and be paid for a minimum of twenty hours per week. A self-employed student's minimum of twenty hours per week earnings shall at least be equal to the federal minimum hourly wage multiplied by twenty hours;
  - (b) Receive money from a federal work study program during the regular school year;
  - (c) Be responsible for the care of a dependent household member under age six;
  - (d) Be responsible for the care of a dependent household member at least six years of age, but under twelve years of age, and the CSO has determined adequate child care is not available;
  - (e) Receive benefits from the aid to families with dependent children program; or
  - (f) Attend an institution of higher learning through a program under Job Training Partnership Act (JTPA).
- (2) Student status begins:
- (a) When money is received from a federal work study program; or
  - (b) For all other students, the first day of the school term.
- (3) Student status continues through normal periods of class attendance, vacation, and recess.
- (4) Student status is lost when a student:
- (a) Graduates,
  - (b) Is suspended,
  - (c) Is expelled,
  - (d) Drops out, or
  - (e) Does not intend to register for the next normal school term excluding summer school.

#### NEW SECTION

WAC 388-49-340 COOPERATION WITH QUALITY CONTROL REVIEW. (1) A household shall be ineligible if it refuses to cooperate in a quality control review.

- (2) The household shall remain ineligible until the earlier of the following:
- (a) Quality control review requirements are met, or
  - (b) Ninety-five days from the end of the annual quality control review period.
- (3) Households reapplying after ninety-five days from the end of the annual quality control review period shall provide verification of all eligibility requirements:
- (a) Prior to certification if not an expedited services household, or
  - (b) Prior to receiving second month's benefits if eligible for expedited services.

#### NEW SECTION

WAC 388-49-350 FOOD DISTRIBUTION PROGRAM. (1) The food distribution program is available to households living:

- (a) On Indian reservations, or
  - (b) Near the reservation of a tribe where they are members.
- (2) The program is administered by Indian tribal organizations approved by FNS.

(3) A household shall not receive benefits under the food stamp program and the food distribution program during the same calendar month.

#### NEW SECTION

WAC 388-49-360 WORK REGISTRATION AND EMPLOYMENT AND TRAINING PROGRAM SERVICES. (1) Unless otherwise exempt, each individual between the ages of eighteen and sixty 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) Persons exempt from work registration shall include:
- (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 a child's sixth birthday falls 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 (UC);

(d) A household member subject to and participating in any work program under Titles IV-A and IV-C of the Social Security Act, as amended, 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 388-49-020;

(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; and

(i) A migrant or seasonal farmworker under contract or similar agreement with an employer to begin employment within thirty days.

(4) The department shall provide work registration forms to the applicant for each household member required to register. Household members are registered when they submit a completed work registration form to the department.

(5) The department shall accept an applicant's statement concerning the employability of each member of the household unless the information is questionable. The department shall verify any claim for exemption it determines questionable.

(6) The department shall:

- (a) Refer persons required to register for work to employment and training program services, unless the person is exempted by subsection (7) of this section; and

(b) Provide employment and training program services to assigned applicants or recipients who are not otherwise exempt, either directly or through a contracted service provider, as specified in the state plan. Persons subject to employment and training services shall participate in an employment and training program service for a minimum level of effort comparable to spending approximately 12 hours a month for two months during:

(i) An eight-week or two four-week period or periods, each time they are entered into the food stamp program; or

(ii) Each 12 months of continuous participation, whichever occurs sooner.

(7) Applicants or recipients required to register for work, but exempt from referral for employment and training program services, shall include those:

- (a) Residing in an exempt county as specified in the state plan;
- (b) Residing more than one hour's travel from the service provider;
- (c) Having no mailing address or message telephone;
- (d) Having a temporary incapacity expected to have a duration of at least 60 days; and
- (e) In their first or second trimester of pregnancy.

(8) Persons subject to employment and training shall also be required to:

(a) Report at a prescheduled time to the department or service provider for an initial assessment interview. The department or service provider shall provide written information regarding at least the following in the assessment interview:

- (i) A written employment and training plan developed jointly between the department, or service provider and the participant;
- (ii) The grounds for noncompliance;
- (iii) The sanctions for noncompliance without good cause; and
- (iv) Provisions for ending noncompliance.

(b) Respond to a request from the department or service provider requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer, if the potential employment is suitable, when referred by the department or service provider;

(d) Accept a bona fide offer of suitable employment;

(e) Report at a prescheduled time to the department or service provider on the results of all employment and training services participated in; and

(f) Comply with the department or service provider's requests for follow-up interviews.

(9) The department shall provide an allowance of twenty-five dollars per participant month for costs of transportation or other costs that are reasonably necessary and directly related to participation in the employment and training program.

(10) If a household member fails to comply with work registration or employment and training program 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 department shall treat the disqualified member as an ineligible household member.

(11) The disqualification for noncompliance with work registration or employment and training program service 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 department shall treat the noncompliant individual as an ineligible household member for the remainder of the disqualification.

(12) The department shall determine whether or not good cause existed prior to initiating sanction for refusal or failure to register for work or participate in employment and training program services.

(13) The following circumstances beyond the participant's control shall constitute good cause for failure to register for work, or participate in employment and training program services. These are not inclusive:

- (a) Illness of the participant;
- (b) Illness of another household member requiring the presence of the member;
- (c) A household emergency;
- (d) The unavailability of transportation; and
- (e) Lack of adequate child care for children who have reached six years of age, but are under 12 years of age.

(14) The department shall treat a household member subject to work requirements of Titles IV-A or IV-C of the Social Security Act, as amended, or UC work registration and participation requirements, who fails to comply with such requirements, shall be treated as though the member had failed to comply with the corresponding employment and training program service requirements. If a corresponding employment and training program service requirement does not exist, the household member shall lose their exemption status as referenced in subsection (3)(d) of this section and shall register for work.

(15) DSHS shall administer the program.

(16) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to:

- (a) A determination of nonexempt status; or
- (b) Failure to comply with work registration and employment and training program requirements; or

(c) Determination of noncompliance with a comparable work program under Titles IV-A and IV-C of the Social Security Act, as amended, or UC requirement.

(17) Within ten days of the department's determination of failure to comply, without good cause, the department shall provide the household with notice of adverse action that contains:

- (a) The particular act of noncompliance;
- (b) The proposed period of disqualification;
- (c) Notification that the individual or household may reapply at the end of the disqualification period; and
- (d) Information describing the action which the individual or household may take to end or avoid the sanction.

(18) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. The individual may reestablish eligibility during the disqualification period if the reason for disqualification is corrected.

(19) A registrant moving out of the jurisdiction of the department's local office with which the registrant is registered shall reregister at the department local office in the new location.

(20) Persons who are subject to reporting requirements and who lose exemption status due to any change of circumstance shall register for work. They shall complete the work registration report form and return it 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.

(21) Persons who are not subject to reporting requirements shall register for employment at the household's next recertification.

(22) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

#### NEW SECTION

WAC 388-49-380 VOLUNTARY QUIT. (1) A household where the head of household voluntarily quit his or her most recent job without good cause shall be ineligible if:

(a) The employment involved twenty hours or more per week or provided weekly earnings equivalent to twenty times the minimum wage,

(b) The quit occurred within sixty days prior to application or any time thereafter,

(c) The quit was without good cause, and

(d) The head of household is required to register for work as provided in WAC 388-49-360.

(2) Good cause for voluntarily quitting employment includes the following:

(a) Circumstances included in WAC 388-49-370(10);

(b) The employment is unsuitable as defined in WAC 388-49-370(3);

(c) Discrimination by an employer based on age, race, sex, color, handicap, religious belief, national origin, or political belief;

(d) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(e) Acceptance by the 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 388-49-330, requiring the head of household to leave employment;

(f) 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 head of household to leave employment;

(g) Resignations by persons under the age of sixty recognized by the employer as retirement;

(h) 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 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

(i) 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.

(3) If a quit was without good cause, the department shall:

(a) Deny a household's application for a period of ninety days beginning with the day of quit; or

(b) For participating households, disqualify the household for three months. The disqualification shall start the first of the month following the adverse action period.

(4) If a noncompliant head of household leaves the household, the remaining household members shall no longer be sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction shall be imposed on the new household.

(5) The household shall have primary responsibility for providing verification. If the household and the department are unable to obtain verification, the household shall not be denied access to the program.

(6) The household shall re-establish eligibility during the disqualification, if otherwise eligible, if the member who caused the disqualification:

(a) Secures new employment comparable in salary or hours to the job which was quit,

(b) Leaves the household, or

(c) Becomes exempt from work registration.

#### NEW SECTION

WAC 388-49-390 STRIKERS. (1) Households containing a striker as defined in WAC 388-49-020 shall be eligible if the household:

(a) Was eligible for benefits the day prior to the strike, and

(b) Is otherwise eligible at the time of application.

(2) A household shall not receive an increase in benefits as the result of a decrease in the income of the striker.

#### NEW SECTION

WAC 388-49-400 RESOURCES—ALLOWABLE MAXIMUMS. (1) Categorically eligible households, as defined in WAC 388-49-180, do not have to meet the resource limits or definitions in this section.

(2) Households not categorically eligible shall not exceed maximum allowable nonexempt resources of:

(a) Three thousand dollars for any household with a person sixty years of age or over, and

(b) Two thousand dollars for all other households.

(3) The department shall verify ownership and the value of all resources for households not categorically eligible.

#### NEW SECTION

WAC 388-49-410 RESOURCES—EXEMPT. (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if:

(i) The household intends to return to the home, and

(ii) The house is unoccupied due to:

(A) Employment,

(B) Training for future employment,

(C) Illness, or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

(i) Life insurance policies, and

(ii) Pension funds.

(h) Vehicles as provided in WAC 388-49-430;

(i) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

(j) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

(k) Property essential to the employment or self-employment of a household member;

(l) Resources held separately by nonhousehold members;

(m) Indian lands:

(i) Held jointly with the tribe, or

(ii) Sold only with the approval of the bureau of Indian affairs.

(n) Resources prorated as income for self-employed persons or eligible students. These monies, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

(o) Cash value of resources not accessible to the household;

(p) Funds in a trust and the income produced by that trust, to the extent they are not available;

(q) Resources excluded by express provision of federal law from consideration in the food stamp program;

(r) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

(s) Value of the property sold under an installment contract;

(t) The value of property held for security if the purchase price is consistent with fair market value;

(u) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

(v) Energy assistance payments or allowances made under federal, state, or local laws; and

(w) Resources of persons residing in shelters for battered women and children if:

(i) The resources are jointly owned with members of the former household, and

(ii) Access to the resources depends on the agreement of the joint owner.

(2) Exempt moneys commingled in an account with nonexempt funds shall continue to be exempt for up to six months from the date they are commingled.

#### NEW SECTION

WAC 388-49-420 RESOURCES—NONEXEMPT. (1) The department shall consider the following resources nonexempt:

(a) Liquid resources,

(b) Real and personal property not exempted by WAC 388-49-410, and

(c) Money secured in the form of a lump sum.

(2) The value of a nonexempt resource, except for licensed vehicles as specified in WAC 388-49-430, shall be its equity value.

(3) Exempt monies having been commingled in an account with nonexempt funds for more than six months.

(4) The department shall consider resources owned jointly by separate households available in their entirety to each household, unless it can be verified the resource is inaccessible to one of the households.

(5) The department shall consider resources of excluded persons available to the remaining household members.

(6) The department shall consider resources, reduced by one thousand five hundred dollars, of an alien sponsor and spouse, if living together, available to the alien household for three years following the alien's admission to the United States for permanent residence.

#### NEW SECTION

WAC 388-49-430 RESOURCES—VEHICLES. (1) The department shall exclude the entire value of a licensed vehicle if it is:

(a) Used for income-producing purposes over fifty percent of the time it is in use;

(b) Annually producing income consistent with its fair market value;

(c) Essential to the employment of a household member, ineligible aliens, or disqualified persons whose resources are considered available to the household. This exclusion applies only if the vehicle is necessary for long distance travel other than daily commuting;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home; or

(f) Necessary to transport a physically disabled household member, ineligible aliens, or disqualified persons whose resources are available to the household. The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall exclude the entire value of unlicensed vehicles:

(a) Driven by Indian tribal members on those reservations not requiring vehicle licensing, and

(b) Meeting one of the provisions in subsection (1) of this section.

(3) The department shall continue the exclusions described in subsection (1) and (2) of this section when the vehicle is not in use because of temporary unemployment.

(4) The department shall:

(a) Determine the fair market value of all licensed vehicles not excluded in subsections (1) and (2) of this section. Fair market value will be determined by the value of those vehicles as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies; and

(b) Count the fair market value of each vehicle in excess of four thousand five hundred dollars toward the household's resource maximum.

(5) The department shall determine the equity value of all licensed vehicles except:

(a) Those excluded in subsections (1) and (2) of this section,

(b) One licensed vehicle per household regardless of the use of the vehicle, and

(c) Any other licensed vehicle used for:

(i) Transportation to and from employment,

(ii) Seeking employment, or

(iii) Transportation for training or education which is preparatory to employment.

(6) The department shall count the equity value of licensed and unlicensed vehicles not excluded in subsections (1), (2), and (4) of this section toward the household's maximum allowable resource limit.

(7) The department shall consider only the greater amount as a resource if the vehicle has:

(a) A countable fair market value in excess of four thousand five hundred dollars, and

(b) A countable equity value.

**NEW SECTION**

**WAC 388-49-440 RESOURCES—TRANSFER OF PROPERTY.** (1) The department shall disqualify a household when any household member, including ineligible aliens or disqualified persons, has knowingly transferred any resource to qualify or attempt to qualify for benefits:

(a) Within three months immediately preceding the application for benefits, or

(b) After the household is determined eligible for benefits.

(2) The department shall disqualify the household for up to one year from the date the transfer is discovered.

(3) The department shall base the length of disqualification on the amount of the nonexempt transferred resources and other countable resources in excess of the allowable resource limits:

Amount In Excess	Disqualification
0 - 249.99	1 month
250 - 999.99	3 months
1,000 - 2,999.99	6 months
3,000 - 4,999.99	9 months
5,000 and over	1 year

(4) The department shall not apply the disqualification to the following types of transfers:

(a) Resources not affecting eligibility,

(b) Resources sold or traded at or near fair market value,

(c) Resources transferred between household members and ineligible aliens or disqualified persons of the same household, or

(d) Resources transferred for reasons other than to qualify.

**NEW SECTION**

**WAC 388-49-450 INCOME—EARNED.** (1) The department shall consider the following as earned income:

(a) Wages and salaries;

(b) Gross income from self-employment, including total gain from the sale of any capital goods or equipment related to the business, and excluding the cost of doing business. Self-employment income includes:

(i) Income from rental property if a household member is managing the property an average of twenty hours or more a week, and

(ii) Payments from a roomer or boarder.

(c) Training allowances from vocational and rehabilitative programs:

(i) Recognized by federal, state, or local governments; and

(ii) Are not a reimbursement.

(d) Payments under Title I of the Domestic Volunteer Service Act;

(e) Advance on wages;

(f) Earnings by persons over nineteen years of age from on-the-job training programs under JTPA;

(g) State and federal work study funds;

(h) EIC received regularly;

(i) Money from the sale of blood or blood plasma; and

(j) Military basic allowance for quarters and basic allowance for subsistence in lieu of provided housing and/or food.

(2) The department shall verify gross nonexempt earned income except for expedited service households:

(a) Prior to initial certification,

(b) At reapplication if amount has changed more than twenty-five dollars, and

(c) On a monthly basis for households subject to monthly reporting.

**NEW SECTION**

**WAC 388-49-460 INCOME—UNEARNED.** (1) The department shall consider unearned income to include, but not be limited to:

(a) An annuity, pension, or retirement;

(b) Veteran or disability benefits;

(c) Workmen or unemployment compensation;

(d) Old-age, survivors, or social security benefits;

(e) Strike benefits;

(f) Payment from federally aided assistance programs based on need;

(g) Support and alimony payments made directly to the household from a person living outside the household;

(h) Child support refund payments received by AFDC recipients from office of support enforcement;

(i) Payment on behalf of a foster child or adult;

(j) Educational benefits less excluded amounts (see income exclusions in WAC 388-49-470):

(i) Scholarships,

(ii) Educational grants including loans where repayment is deferred,

(iii) Fellowships, and

(iv) Veteran benefits.

(k) Payments from government-sponsored programs;

(l) Cash prizes, awards, lottery winnings, or gifts;

(m) Dividends, interest, or royalties;

(n) Gross income minus the cost of doing business from rental property if a household member is not managing the property at least twenty hours a week;

(o) Money withheld from public assistance to recoup an overpayment for intentional failure to comply with the public assistance program requirements;

(p) Direct money payments, such as interest, dividends, and royalties which are a gain or benefit;

(q) Money legally obligated and otherwise payable to the household, but diverted by the provider of the payment to a third party, for a household expense; and

(r) The deemed income from an alien's sponsor.

(2) The department shall disregard the following as unearned income:

(a) Money from any source voluntarily returned by a household member to repay a prior overpayment from the same source,

(b) Mandatory deductions from a source to repay a prior overpayment from the same source except from:

(i) AFDC,

(ii) Refugee assistance,

(iii) GA-U, and

(iv) GA-S.

(c) Child support payments assigned to office of support enforcement received by AFDC recipients.

(3) The department shall verify gross nonexempt unearned income except for expedited service households:

(a) Prior to initial certification,

(b) At recertification if amount has changed more than twenty-five dollars, and

(c) On a monthly basis for households subject to monthly reporting if the income has changed.

**NEW SECTION**

**WAC 388-49-470 INCOME—EXCLUSIONS.** The department shall exclude the following income:

(1) Money withheld from an assistance payment, earned income, or other income source used to repay a prior overpayment from that same income source.

(2) Payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(3) Payments made to volunteers under Title I of the Domestic Volunteer Service Act of 1973 for:

(a) Persons receiving public assistance or food stamps at the time the person joined the Title I program,

(b) Households receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977, or

(c) Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(4) Payments made to volunteers under Title II of the Domestic Volunteer Services Act of 1973.

(5) Payments from submarginal land held in trust for certain Indian tribes as designated by P.L. 94-114 and P.L. 94-540.

(6) Payments from the disposition of funds to the Grand River Band of Ottawa Indians.

(7) Payment from the Indian claims commission to the confederated tribe of the Yakima Indian nation.

(8) The earned income of children who are:

- (a) Members of the household,
- (b) Under eighteen years of age, and
- (c) Attending school at least half time.

(9) When a child's earnings or amount of work performed cannot be differentiated from the earnings or work performed by other household members, the department shall:

- (a) Prorate the earnings equally among the working members, and
- (b) Exclude the child's pro rata share.

(10) Infrequent or irregular income received during a three-month period that:

- (a) Cannot be reasonably anticipated as available, and
- (b) Shall not exceed thirty dollars for all household members.

(11) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred.

(12) Nonrecurring lump sum payments.

(13) The cost of producing self-employment income.

(14) Financial aid received under Title IV of the Higher Education Act designated by the school for:

- (a) Tuition,
- (b) Fees (including equipment and material),
- (c) Books,
- (d) Supplies,
- (e) Transportation, and
- (f) Miscellaneous personal expenses as determined by the institution.

(15) Other federal financial aid designated by the school for:

- (a) Tuition, and
- (b) Mandatory fees.

(16) Nonfederal financial aid designated by the school for:

(a) Tuition and mandatory fees at any school beyond high school or a school at any level for the physically or mentally handicapped; and

(b) Other earmarked educational expenses such as transportation, supplies, textbooks, and child care.

(17) Reimbursements for past or future expenses to the extent the reimbursements do not:

- (a) Exceed the actual expense, and
- (b) Represent a gain or benefit to the household.

(18) Any gain or benefit not in money.

(19) Vendor payments as defined in WAC 388-49-020.

(20) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member. When the intended beneficiaries of a single payment include both household members and persons not in the household, the excluded amount shall be:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household, or

(b) If the portions are not readily identified as:

- (i) An even pro rata share; or
- (ii) The amount actually used for the care and maintenance of the person out of the household, whichever is less.

(21) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

(22) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

(23) Money specified by court order or other legally binding agreement to go directly to a third-party beneficiary rather than to the household.

(24) Support payments not required by a court order or other legally binding agreement paid directly to a third party rather than to the household.

(25) Payments from the individual and family grant program.

#### NEW SECTION

WAC 388-49-480 INCOME—NONHOUSEHOLD MEMBERS. (1) The department shall consider as income cash payments to the household from a nonhousehold member as defined in WAC 388-49-020.

(2) The department shall not consider the following as available to the household:

- (a) The nonhousehold member's income, and
- (b) Payments made by a nonhousehold member to a third party for the benefit of the household.

(3) When the nonhousehold member's earnings cannot be differentiated from the earnings of other household members, the department shall:

- (a) Prorate the earnings equally among the working members, and
  - (b) Exclude the nonhousehold member's pro rata share.
- (4) When the household shares deductible expenses with nonhousehold members, the department shall allow only the amount paid or contributed by the household as a deduction.

#### NEW SECTION

WAC 388-49-490 INCOME—SPONSORED ALIENS. The following provisions shall apply to those aliens for whom a sponsor has signed an affidavit of support or similar statement on or after February 1, 1983:

(1) The department shall consider portions of the gross income of a sponsor and sponsor's spouse (if living with the sponsor) as unearned income of the sponsored alien. The income of an alien sponsor shall be deemed available for three years following the alien's admission for permanent residence to the United States.

(a) The total monthly earned and unearned income of the sponsor and sponsor's spouse (if living with the sponsor), less unearned income deduction, shall be deemed monthly income of the alien when the sponsored alien's household:

- (i) Applies for, or
- (ii) Is recertified for program participation.

(b) Actual money paid to the alien by the sponsor or sponsor's spouse in excess of the deemed amount shall be considered income to the alien.

(c) If the sponsored alien can demonstrate the sponsor is sponsoring other aliens, the income deemed available shall be divided by the number of sponsored aliens applying for, or participating in, the program.

(2) The department shall consider the amount deemed in determining the eligibility and benefit level of the alien's household.

(3) The department shall verify the income of the alien's sponsor and sponsor's spouse (if living with the sponsor) at the time of the alien's application or recertification for program participation.

(4) If an alien switches sponsors during the certification period, deemed income would be recalculated based on the required information about the new sponsor as soon as possible after the information is supplied by the alien and verified by the department.

#### NEW SECTION

WAC 388-49-500 INCOME—DEDUCTIONS. The department shall allow the following deductions when computing net income:

(1) A standard deduction of ninety-nine dollars per household per month.

(2) An earned income deduction of twenty percent of gross earned income. Exclude earnings in WAC 388-49-470 from gross earned income.

(3) A dependent care deduction of the actual amount paid not to exceed one hundred sixty dollars.

(a) A dependent care deduction shall be allowed when the care is necessary for a household member to:

- (i) Accept or continue employment,
- (ii) Seek employment, or
- (iii) Attend training or education preparatory to employment.



(b) The department shall verify dependent care costs except in prospective budgeting. Changes in cost shall be verified.

(4) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars for households containing an elderly or disabled person.

(a) The department shall verify medical expenses and the reimbursement amounts resulting in a deduction except in prospective budgeting:

(i) At recertification, if the amount has changed more than twenty-five dollars, and

(ii) On a monthly basis for households subject to monthly reporting.

(b) If the reimbursement cannot be verified, the household shall be certified without allowing the deduction except in prospective budgeting.

(5) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction shall not exceed one hundred forty-nine dollars.

(a) Shelter costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

(i) The household intends to return to the home;

(ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; and

(iii) The home is not being leased or rented during the household's absence.

(b) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made for households containing an elderly or disabled person.

(6) Households shall be entitled to claim the standard utility allowance when incurring any separate utility charges for heating or cooling costs. They are households:

(a) Not yet receiving a billing for utilities (may use a collateral contact from a landlord or utility company to confirm a separate billing from rent or mortgage);

(b) Billed monthly by their landlords for actual usage as determined through individual metering qualifying for the standard utility allowance;

(c) Sharing residence and utility costs with other persons (permitted to use the household's prorated share of the standard allowance); and

(d) Living in public or other rental housing having central utility meters and charged only for excess utility costs (not eligible for the standard utility allowance).

(7) Households shall be entitled to use actual utility costs rather than the standard utility allowance if:

(a) Not entitled to the standard utility allowance, or

(b) Requesting use of actual utility bills. A ten dollar telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(8) Households shall be entitled to switch between actual utility costs and the standard utility allowance at each recertification and one additional time during each twelve-month period following the initial certification action.

(9) The department shall verify:

(a) Continuing shelter costs, if allowing the costs could potentially result in a deduction. Verify on a one-time basis unless the household has:

(i) Moved, or

(ii) Reported an increase in costs affecting the amount of the deduction or the information is questionable.

(b) Utility expenses:

(i) If the household is entitled to the standard utility allowance. Verify on a one-time basis unless the household has moved, changed its utilities, or the information is questionable; or

(ii) On a one-time basis if the household wishes to claim actual utility expenses at initial certification, recertification, or on a monthly basis for households subject to monthly reporting.

#### NEW SECTION

WAC 388-49-510 INCOME ELIGIBILITY STANDARDS. (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households containing an elderly or disabled member as provided in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

#### NEW SECTION

WAC 388-49-520 INCOME ELIGIBILITY. (1) The department shall determine eligibility prospectively for:

(a) Migrant households during the certification period,

(b) Households where all adult members are elderly or disabled and have no earned income, and

(c) A new household member for the first two months of participation when:

(i) The household gains and timely reports a new member, and

(ii) The new member has not received benefits within the last calendar month.

(2) The department shall determine eligibility prospectively in the beginning months and retrospectively thereafter for all households except those described in subsections (1)(a) and (b) of this section.

#### NEW SECTION

WAC 388-49-530 INCOME BUDGETING. The department shall:

(1) Budget income prospectively during the certification period for migrant households and households where all adult members are elderly or disabled and have no earned income.

(2) Budget public assistance and supplemental security income (SSI) income prospectively during the certification period.

(3) Budget monthly student financial aid for Title IV (except federal work study) and other federal and nonfederal (except state work study) prospectively over the period of intended use.

(4) Budget student work study retrospectively.

(5) Consider student financial aid available to the household when actually received.

(6) Budget income retrospectively in months other than beginning months for:

(a) All households except those described in subsection (1) of this section, and

(b) All types of income except those described in subsection (2) and (3) of this section.

(7) For prospective budgeting:

(a) Count income already received and income reasonably anticipated to be received by the household during the month of application,

(b) Count only the income reasonably anticipated to be received during the second beginning month,

(c) Annualize self-employment income received other than monthly, and

(d) Average contractual income except for migrant households.

(8) For retrospective budgeting:

(a) Use the household composition as of the last day of the report month,

(b) Disregard income received in a beginning month for one month if the income was from a source no longer providing income to the household, and

(c) Disregard income received from a discontinued source by a non-assistance household member if that member:

(i) Applies for and begins to receive a public assistance grant, and

(ii) Reported the discontinued income at least ten days prior to the start of the payment month.

(d) Use self-employment income from the corresponding budget month, and

(e) Count any additional or corrective AFDC payment as an addition to the regular AFDC warrant.

(9) When a participating household member establishes a new household:

(a) Remove the member from the prior household, and

(b) Use the method of income budgeting in effect in the prior household.

(10) Budget income deductions by:

(a) Anticipating medical expenses, medical reimbursements, dependent care, and shelter costs in the beginning months;

(b) Using the household's expenses from the corresponding budget month for households under retrospective budgeting; or

(c) Averaging expenses over the period the expense is intended to cover if the household:

(i) Has expenses fluctuating or billed less often than monthly, and

(ii) Chooses to have the expenses averaged.

NEW SECTION

WAC 388-49-550 MONTHLY ALLOTMENTS. (1) The department shall determine the value of the allotment a household receives.

(2) The department shall issue to households a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The allotment shall be based upon a thirty-day month.

(b) No allotment shall be issued for less than ten dollars.

(3) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent,

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents, and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(4) One and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when no allotment shall be issued for less than ten dollars.

(5) The department shall issue an identification card to each certified household.

NEW SECTION

WAC 388-49-560 ISSUANCE. (1) The department shall issue food coupons through:

(a) A food coupon authorization (FCA) system staggered through the tenth of the month, or

(b) A direct coupon mail out system staggered through the tenth of the month.

(2) For FCAs issued after the twenty-fifth of the month, the department shall issue a valid FCA:

(a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date, or

(b) For the current month benefits valid in the following month.

(3) The department shall maintain issuance records for a period of three years from the month of origin.

NEW SECTION

WAC 388-49-570 REPLACEMENT ALLOTMENTS. (1) A household may request a replacement not to exceed a one-month allotment for:

(a) A food coupon authorization (FCA) or coupons received, but subsequently destroyed by a household disaster;

(b) An FCA or coupons stolen or lost in the mail; or

(c) Food purchased with coupons and destroyed in a disaster.

(2) To request a replacement, the household shall:

(a) Report the destruction, theft, or nonreceipt within ten days of the incident or within the period of intended use, whichever is earlier; and

(b) Sign an affidavit attesting to the destruction, theft, or nonreceipt.

(3) The department shall not issue both a household disaster allotment to a household and a replacement allotment in a food and nutrition service (FNS) declared disaster.

(4) When a request for replacement is received, the department shall:

(a) Verify the disaster or theft;

(b) Determine if the coupons or FCA were validly issued, actually mailed, and if sufficient time has elapsed for delivery;

(c) Issue a replacement within ten days of the request;

(d) Deny a request for replacement if the household has been issued a replacement within the previous five-month period;

(e) Deny a request for replacement of coupons mailed by certified mail if a signed receipt of delivery is obtained by the post office from any person residing or visiting at the address provided by the household; and

(4) Not issue a replacement if coupons or an FCA are lost or misplaced after receipt.

(5) The department shall deny or delay replacing an FCA when documentation substantiates the replacement request is fraudulent. The department shall:

(a) Inform the household of its right to a fair hearing, and

(b) Continue the denial or delay pending the hearing decision.

(6) The department shall use other delivery methods after more than one request is received for replacement of an original or replacement FCA or coupons lost in the mail within a six-month period.

(7) If delivery of a partial allotment is reported, the department shall:

(a) Verify the coupon loss was due to damage in the mail before delivery or a discrepancy in the issuance unit's inventory, and

(b) Issue the remainder of the allotment if the partial allotment is due to an error in the issuance unit regardless of the number of times the household has received replacements within a six-month period.

(8) The department shall provide replacement for coupons received and found to be mutilated or improperly manufactured.

(a) The replacement shall equal the value of the improperly manufactured or mutilated coupons.

(b) Coupons shall not be replaced if less than three-fifth of the mutilated coupons remain.

NEW SECTION

WAC 388-49-580 RESTORATION OF LOST BENEFITS. (1) The department shall restore benefits whenever:

(a) A loss was caused by department error,

(b) An administrative disqualification for intentional program violation was reversed,

(c) A rule or instruction specifies restoration of lost benefits,

(d) A court action finding benefits were wrongfully withheld, or

(e) A household was categorically eligible on or after December 23, 1985.

(2) The department shall restore benefits even if the household is currently ineligible. Restore the benefits for not more than twelve months prior to whichever of the following occurred first:

(a) The month the department receives a restoration request,

(b) The month the department is notified or discovers a loss has occurred,

(c) The date the household initiated a fair hearing request when a request for restoration was not received, or

(d) The date court action was initiated when the household has taken no other action to obtain a restoration.

(3) The department shall notify the household of:

(a) Its entitlement,

(b) The amount of benefits to be restored,

(c) The method of restoration,

(d) The right to request a fair hearing within ninety days of the date the household is notified, and

(e) Any offsetting to be done.

(4) If the household disagrees with the amount of benefits being restored, the department shall issue the amount determined by the department. If a fair hearing decision overturns the department, the department shall restore any lost benefits.

(5) If household composition has changed, the department shall restore the lost benefits to:

(a) First, the household containing a majority of the persons who were household members at the time of the loss; or

(b) Second, the household containing the head of the household at the time of the loss.

NEW SECTION

WAC 388-49-590 MONTHLY REPORTING. (1) The department shall require the following households to return a completed monthly report by the fifth day of the process month describing the household circumstances during the budget month:

(a) A household, except a migrant farm worker household, with earned income;

(b) A household with a recent work history; and

(c) An AFDC household subject to mandatory monthly reporting.

(2) A household with a recent work history shall report for two months:

(a) Beginning the month following the month of opening at initial application, or

(b) After the last month of earnings during the certification period.

(3) The department shall require a household reporting monthly to verify information necessary to:

(a) Determine the household's eligibility, and

(b) Compute the household's benefits.

(4) The department shall notify a household if:

(a) Its monthly report is late,

(b) Its monthly report is incomplete, or

(c) Additional information is needed.

(5) If the household furnishes a completed report to the department by the end of the process month, the department shall:

- (a) Accept the monthly report, and
- (b) Continue benefits if the household remains eligible.

(6) The department shall terminate a household failing to return a completed report by the end of the process month.

(7) The department shall not require a household that reports monthly to report changes prior to reporting on the monthly report.

#### NEW SECTION

WAC 388-49-600 NOTICES TO HOUSEHOLDS. (1) The department shall notify a certified household of any change:

- (a) At least ten days prior to the change, or
- (b) By the date benefits are to be received for a household reporting changes on the monthly status report.

(2) The department shall not be required to provide advance notice when:

- (a) The federal or state government makes mass changes,
- (b) The department determines all household members have died,
- (c) The household moves from the state,
- (d) The department restored lost benefits and notified the household previously in writing when the increased allotment would terminate,
- (e) The department notified the household at the time of certification that allotments would vary from month to month,
- (f) The household experiences reduction in benefits upon approval of a public assistance grant, or
- (g) A household member is disqualified for intentional program violation or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.

#### NEW SECTION

WAC 388-49-610 CHANGES—PROSPECTIVE BUDGETING. (1) The department shall act on changes affecting benefit increases as follows:

- (a) If the change is verified within ten days after the change is reported, budget the change for the next allotment.
- (b) If the change is not verified within ten days after the change is reported, budget the change for the next allotment after the verification is received.

(2) The department shall act on changes affecting benefit decrease with the next allotment after the adverse action period ends unless the household requests:

- (a) A fair hearing, and
- (b) Continuation of benefits.

#### NEW SECTION

WAC 388-49-620 CHANGES—RETROSPECTIVE BUDGETING. Changes from a budget month for households under retrospective budgeting shall be effective in the corresponding payment month except:

- (1) The addition or deletion of a household member shall be effective as provided in WAC 388-49-610, and
- (2) Changes in public assistance grants and supplemental security income occurring in the payment month shall be effective in the payment month.

#### NEW SECTION

WAC 388-49-630 CHANGES—REPORTING REQUIREMENTS. A household, certified for more than one month and not subject to mandatory monthly reporting, shall report the following changes within ten days of the date the change becomes known to the household:

- (1) Change in the source of income;
- (2) Change in the amount of gross monthly income, except for public assistance income, or medical expenses of more than twenty-five dollars;
- (3) Change in the household composition, such as the addition or loss of a household member;
- (4) Change in residence and resulting change in shelter cost;
- (5) The acquisition of licensed vehicles; and
- (6) When nonexempt liquid resources exceed two thousand dollars or three thousand dollars for households with one or more members sixty years of age or older.

#### NEW SECTION

WAC 388-49-640 OVERISSUANCES. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (9), and (10) of this section.

(2) The department shall establish an overissuance claim against any household:

- (a) Receiving more food stamp benefits than it was entitled to receive, or
- (b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

- (a) The department failed to ensure the household:
  - (i) Signed the application form,
  - (ii) Completed a current work registration form, or
  - (iii) Was certified in the correct project area.
- (b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons, who were adult members of the household at the time of the overissuance, jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall calculate the allotment the household should have been authorized when the department discovers:

- (a) An administrative error or inadvertent household error occurred in the prior twenty-four months, or
- (b) An intentional program violation in the prior seventy-two months.

(7) The amount of the overissuance shall be the difference between:

- (a) The monthly allotment actually received, and
- (b) The monthly allotment the household should have received.

(8) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

- (a) The amount of the overissuance, and
- (b) Any lost benefits not previously restored or used as an offset.

(9) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

- (a) The claim is collected through offset,
- (b) The total amount of the claim is less than thirty-five dollars and the claim cannot be recovered by reducing the household's allotment,
- (c) The department cannot locate the liable household, or
- (d) The department determines collection action will prejudice an inadvertent household error claim case being referred for possible prosecution or administrative disqualification.

(10) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

- (a) The household has repaid the overissuance,
- (b) The department cannot locate the household, or
- (c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(11) The department shall initiate collection action by providing the household a demand letter.

(12) A household or household member may repay an overissuance except as provided in subsections (13) through (17) of this section by:

- (a) A lump sum,
- (b) Regular installments under a payment schedule agreed to by the household or household member and the department, and/or
- (c) Allotment reductions.

(13) When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

- (a) Inadvertent household error overissuance by the greater of:
  - (i) Ten percent of the household's monthly allotment, or
  - (ii) Ten dollars per month.
- (b) Intentional program violation overissuance by the greater of:
  - (i) Twenty percent of the household's monthly entitlement, or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(14) A household member and/or the department may request the payment schedule be renegotiated.

(15) The department shall ensure the negotiated monthly installment amount is not less than the amount recovered through allotment reduction when:

(a) A current participating household is liable for an inadvertent household error or an intentional program violation, and

(b) An installment payment schedule is the method of collection.

(16) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails:

(a) To make the overdue payments, or

(b) To request renegotiation of the payment schedule.

(17) The department shall reduce the household's allotment if:

(a) The household member fails to respond to the demand letter within thirty days of the date the notice is mailed, and

(b) The household is liable for an inadvertent household error or an intentional program violation claim.

(18) The department shall terminate claims having been held in suspense for three years. The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (9) of this section,

(b) A liable household member cannot be located, or

(c) The cost of further collection action is likely to exceed the amount recovered.

#### NEW SECTION

WAC 388-49-650 ALIEN SPONSOR OVERISSUANCES. (1) When an overissuance to a sponsored alien results from incorrect information provided by the alien's sponsor, the department shall consider both the alien and sponsor liable to repay the overissuance.

(2) The department shall initiate collection regardless of the current food stamp eligibility of the sponsored alien or sponsored alien's household.

(3) When the alien's sponsor had good cause for reporting the incorrect information, the department shall consider the sponsored alien solely liable for the inadvertent household error overissuance.

(4) When good cause does not exist, the department shall initiate collection against:

(a) The alien's sponsor, or

(b) The sponsored alien's household, or

(c) Both at once, or

(d) The party deemed most likely to repay first.

(5) The department shall initiate collection action against the sponsored alien's household as an inadvertent household error when:

(a) Collection action is taken first against the alien's sponsor, and

(b) The alien's sponsor does not respond within thirty days, or

(c) Incorrect information concerning the alien's sponsor or sponsor's spouse was supplied by the sponsored alien through misunderstanding or unintended error.

(6) The department shall initiate collection action against an alien's sponsor as an inadvertent household error provided:

(a) The sponsor is informed in writing the department will not hold the sponsor responsible for repayment if good cause is demonstrated, and

(b) A department representative contacts the sponsor.

(7) The department shall accept a lump sum or regular installment payments from the sponsor.

(8) The department shall refund to the sponsored alien or alien's sponsor household any amount they repay in excess of the overissuances.

(9) The department shall pursue a determination of intentional program violation against a sponsored alien's household if misrepresentation or fraud is alleged.

#### NEW SECTION

WAC 388-49-660 INTENTIONAL PROGRAM VIOLATIONS—ADMINISTRATIVE DISQUALIFICATION HEARINGS. Administrative disqualification hearings are governed by chapters 10-08 and 388-08 WAC and WAC 388-49-660.

(1) The department shall:

(a) Give at least thirty days advance notice of the hearing date to the person or persons alleged to have committed an intentional program violation as defined in WAC 388-49-020, and

(b) Obtain proof of receipt of the notice.

(2) The notice of hearing shall comply with WAC 10-08-040 and contain the following information:

(a) The allegations;

(b) A summary of the department's evidence;

(c) A statement of how and where the evidence can be examined;

(d) A statement that if the person or a representative fails without good cause to appear at the hearing, a decision will be made based solely on the evidence and argument the department presents;

(e) A statement that the person has ten days from the date of the scheduled hearing:

(i) To file a request with the administrative law judge showing good cause for failure to appear, and

(ii) Seeking a new hearing; and

(f) A statement that if a telephone hearing is scheduled, the person may request an in-person hearing by filing a request with the administrative law judge at least one week prior to the date of the hearing.

(3) The person or a representative shall have the right to one continuance of up to thirty days provided a request is filed at least ten days prior to the hearing date.

(4) The department shall conduct the hearing without the person or a representative if they fail to appear at the hearing without good cause.

(a) The decision shall be based solely on the evidence and argument the department presents.

(b) The person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

(i) Showing good cause for failure to appear, and

(ii) Requesting the hearing be reinstated.

(5) The administrative law judge shall grant a request to change a scheduled telephone hearing to an in-person hearing if the person or representative:

(a) Files the request at least one week before the date the hearing is scheduled, or

(b) Files the request one week or less before the date the hearing is scheduled if the person shows good cause for having the hearing conducted in person.

(6) The administrative law judge shall advise the person or representative they may refuse to answer questions during the hearing.

(7) The department shall bear the burden of proof for demonstrating intentional program violation with clear and convincing evidence.

(8) The department shall follow the decision-rendering in WAC 388-08-406.

(9) The department shall make a final decision within ninety days of the date the individual receives the notice of hearing.

(10) The department may combine an overpayment fair hearing and an administrative disqualification hearing into a single hearing when the facts alleged for each arise out of the same or related circumstances. When combined:

(a) The hearing procedures and time frames shall be those applicable to an administrative disqualification hearing,

(b) The household loses its right to a subsequent fair hearing on the overpayment, and

(c) The department shall give prior notice to:

(i) The person or persons alleged to have committed the intentional program violation, and

(ii) The person or persons alleged to be liable for the overpayment.

(11) The department shall not conduct an administrative disqualification hearing for a period preceding a prior determination of intentional program violation.

#### NEW SECTION

WAC 388-49-670 INTENTIONAL PROGRAM VIOLATIONS—DISQUALIFICATION PENALTIES. (1) The department shall disqualify the person or persons committing an intentional program violation, but not the entire household, as defined in WAC 388-49-020.

(2) The department shall apply disqualification penalties as follows:

(a) If the violation occurred in whole or in part after the household was notified of the following penalties, these disqualification periods shall apply:

(i) Six months for the first disqualification,

(ii) Twelve months for the second disqualification, and

- (iii) Permanently for the third disqualification.
- (b) The department shall disqualify the person for three months:
  - (i) If the violation ended prior to the household being notified of the penalties in subsection (3)(a) of this section, and
  - (ii) If the disqualification was determined in an administrative hearing.
- (c) The department shall consider multiple violations occurring prior to the household being notified of the penalties in subsection (3)(a) of this section as only one disqualification.
- (d) Court-ordered disqualifications are for the length of time specified by the court. The department shall:
  - (i) Recommend a disqualification penalty, as provided in subsection (3)(a) of this section, be imposed in addition to any civil or criminal intentional program violation penalties;
  - (ii) Initiate the disqualification period for currently eligible persons within forty-five days of the date the disqualification is ordered if the court does not specify a date;
  - (iii) Impose a disqualification period as specified in subsection (3)(a) of this section if the court fails to address or specify a disqualification period; and
  - (iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.
- (3) The department shall provide written notice of disqualification to the person or persons prior to disqualification. The notice shall inform:
  - (a) Participating persons of the disqualification and the effective date of the disqualification, or
  - (b) Nonparticipating persons the disqualification period shall be deferred until such time as the person or persons applies for and is found eligible for benefits.
- (4) The department shall provide written notice to the remaining household member or members, if any, of:
  - (a) The allotment the household will receive during the period of disqualification, or
  - (b) The household must reapply because the certification period has expired.
- (5) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

#### NEW SECTION

- WAC 388-49-680 AGENCY CONFERENCE. (1) The department shall offer a conference to households contesting denial of expedited services. This conference shall be scheduled within two working days unless the household requests a later date.
- (2) The department shall offer a conference to households adversely affected by an agency action.
- (3) The department shall advise the household the conference:
- (a) Is optional, and
  - (b) Will not delay or replace the fair hearing.
- (4) An eligibility supervisor or CSO administrator shall attend the conference with the household member and/or representative.

#### NEW SECTION

- WAC 388-49-690 FAIR HEARINGS. Fair hearings in the food stamp program are governed by chapters 10-08 and 388-08 WAC and WAC 388-49-690.
- (1) At application and any time a household disagrees with a department decision, the department shall inform the household, in writing, of the:
- (a) Right to a hearing,
  - (b) Method to request a hearing,
  - (c) Right to have a household member present their case, and
  - (d) Availability of free legal representation.
- (2) The household has the right to a fair hearing on:
- (a) An action by the department or loss of benefits occurring in the prior ninety days;
  - (b) A denial of a request for restoration of any benefits lost more than ninety days, but less than a year prior to the request; or
  - (c) Any dispute of current benefit level at any time within a certification period.
- (3) The department shall grant an alien's sponsor household the right to a fair hearing to contest:
- (a) A determination that the sponsor was at fault for providing incorrect information, or
  - (b) The overissuance amount.
- (4) A request for a hearing is any oral or written request by a household or its representative. The person must request a hearing

within ninety days of the household's receipt of the decision being appealed.

(5) The department shall schedule and provide advance notice of the hearing to all involved parties at least twenty days prior to the hearing.

(6) Before and during the hearing, a household or its representative with written authorization may inspect the department's files containing information related to the issue in the hearing request.

(7) The department shall not release confidential information including:

- (a) Name of persons providing information about the household without its knowledge, and
  - (b) Nature and status of pending criminal prosecutions.
- (8) The department shall:
- (a) Assist the household in preparing the hearing request;
  - (b) Advise the household of its right to reapply for benefits pending the hearing;
  - (c) Upon request, provide bilingual interpreters; and
  - (d) Upon request, provide the household or its representative:
- (i) Any material needed to determine if a hearing should be requested or to prepare for a hearing,
  - (ii) Free copies of pertinent material from the case record, and
  - (iii) Any information of legal services available to the client.
- (9) The department shall conduct a hearing:
- (a) In the household's county of residence unless the household asks for or agrees to a hearing in another, or
  - (b) By telephone with the household in their county of residence.
- (10) The decision-rendering rule is as described in WAC 388-08-409 and 388-08-413, except the period to file a timely petition for review is ten days from the date the initial decision is mailed.

(11) The department shall make a final decision within sixty days of the receipt of the hearing request. The department shall:

- (a) Extend the time by the number of days a hearing is continued based on a request by or with the agreement of the household, and
- (b) Expedite hearing requests from households planning to move from the state before the hearing decision would normally be made.

(12) The department shall carry out the hearing decision to:

- (a) Provide lost benefits when:
  - (i) The household was incorrectly denied benefits, or
  - (ii) Fewer benefits were issued than were due.
- (b) Increase benefits within ten days of the receipt of the decision,
- (c) Decrease benefits in the first scheduled issuance following the receipt of the decision, and
- (d) Establish a claim for any overissuance if the department's action was correct.

(13) The department shall, upon written request made within one year of the hearing, provide the household a free copy of the tape recording of the hearing.

#### NEW SECTION

WAC 388-49-700 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The department shall continue benefits at the contested or previous level pending a fair hearing if:

- (a) The client requests a hearing within the period specified by the notice of adverse action,
- (b) The certification period has not expired,
- (c) The household has not waived continuation of benefits, and
- (d) Households subject to monthly reporting submit a completed monthly report timely for each month of continued benefits.

(2) The department shall reduce or terminate benefits if a hearing request is not made within the period specified in the notice, unless failure to make the request was for good cause.

(3) Once continued or reinstated, the department shall not reduce or terminate benefits prior to receipt of the hearing decision unless:

- (a) The certification period expires,
- (b) The hearing officer makes a preliminary determination in writing and at the hearing:
  - (i) The sole issue is one of federal law or regulations, and
  - (ii) The household's claim the department improperly computed benefits or misapplied such law or regulation is invalid, or
- (c) The household fails to request a new hearing after receiving a notice of adverse action on a change occurring pending the hearing decision, or
- (d) A mass change occurs while the hearing decision is pending, and
- (e) A household whose certification period expired has made a timely application for a new certification period pending receipt of a hearing decision.

(4) For households subject to monthly reporting, the department shall continue benefits within five working days from the day the request for continued benefits is received.

(5) The department shall act on reported changes without regard to the matter at issue in the hearing:

(a) During the certification period,

(b) When a monthly report is received, or

(c) When a timely application is made for a new certification period pending receipt of a hearing decision.

(6) The department shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(7) The department shall establish a claim for all overissuances if the department's action is upheld by the hearing decision.

**WSR 87-21-078**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 20, 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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

The authority under which these rules are proposed is chapter 476, Laws of 1987.

The specific statute these rules are intended to implement is chapter 476, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 17, 1987. The meeting site is in a location which is barrier free.

Dated: October 20, 1987

By: Leslie F. James, Director  
 Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

The rule amendments summarized here are proposed by the Department of Social and Health Services.

Re: Amending chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Purposes of the Rule Amendments: The following amendments are necessary to comply with SSHB 1006, effective July 26, 1987: WAC 388-96-010(47), to establish definition of nonadministrative wages and benefits per ESHB 1006; 388-96-226, to eliminate shifting out of nursing services cost center, to limit shifting out of food cost center to nursing services cost center, to establish shifting mechanisms for the enhancement cost center; 388-96-229, to establish criteria for recoupment of funds not appropriately spent in the enhancement cost center; 388-96-505, to eliminate reference to patient personal laundry as a nonallowable cost; 388-96-716, to establish the sixth cost center, enhancement cost center, per ESHB 1006; 388-96-719, to clarify the enhancement cost center will not be adjusted for inflation; 388-96-722, to clarify treatment of nursing assistant training hours in calculation of nursing hours lid; 388-96-756, to establish procedures for establishing enhancement cost center rate; 388-96-768, to establish minimum wage requirements; and 388-96-774, to expand criteria for review of requests for staffing increases, to authorize rate adjustments for receivership of nursing homes by department. The following amendments are necessary to clarify statutory requirements found in chapter 74.46 RCW: WAC 388-96-010(14), to expand change of ownership definition; 388-96-204, to eliminate some conditions requiring audit, to establish mechanism for partial audit of cost reports; 388-96-228, to establish criteria for calculation of cost savings on closing cost reports; 388-96-384, to establish criteria for liquidation of trust fund upon sale or transfer of ownership of facility; 388-96-502, to include general management services and administrator compensation over lids as services not reimbursable under this chapter; 388-96-533, to establish maximum licensed administrator compensation for calendar year 1987; 388-96-534, to eliminate option to certify "no change" on joint cost allocation disclosure submissions; 388-96-710, to clarify distinction between initial prospective rate and prospective rate; 388-96-745, to update construction cost lids per the Marshall Swift valuation service; 388-96-763, to establish minimum criteria for exceptional care rates; and 388-96-904, to update terminology due to department reorganization.

Summaries of the Rule Amendments: WAC 388-96-010(14), a transfer of stock will constitute a change of ownership if the majority of controlling officers and directors of the corporation change; 388-96-010(47), non-administrative wages and benefits are those paid to staff other than the administrator, assistant administrator, and administrator-in-training; 388-96-204, eliminate requirements to audit entire cost report and to complete audits within one year after notification of intent to audit by the department. Eliminates requirements to audit new contractors for the first two full calendar years. Eliminates amount of audit adjustments or costs beyond industry standard as criteria to determine need for audit; 388-96-221, if no audit is completed for any calendar year cost report, the preliminary settlement becomes the final settlement. This amendment sets procedures for calculating a final settlement from the preliminary settlement report and relevant desk review; 388-96-226, no

shifting is allowed from the nursing services cost center at settlement, and savings in the food cost center may only be shifted to cover deficits in nursing services. Funds spent appropriately in the enhancement cost center may be shifted to nursing services and administration and operations at settlement; 388-96-228, for closing cost reports, gain or loss on sale of assets will not be used in calculating cost savings; 388-96-229, sets procedure to recoup funds reimbursed in the enhancement cost center not appropriately spent; 388-96-384, sets procedures to be followed by contractor prior to sale or other transfer of ownership to liquidate trust funds; 388-96-502, overhead and indirect costs associated with nonreimbursable management fees and administrator compensation are nonallowable; 388-96-505, personal laundry services are now a reimbursable cost and reference to these costs as nonallowable has been deleted; 388-96-533, maximum licensed administrator compensation has been adjusted to include inflation granted by the legislature in 1987; 388-96-534, sets requirement that a complete joint cost allocation disclosure be submitted to the department each year, even if there is no change in allocation methodology; 388-96-710, defines an initial rate to be in effect for new contractors until a cost report of at least six months in any calendar year can be submitted; 388-96-716, lists the new cost center, enhancement cost center; 388-96-719, the enhancement cost center will be used for upfront funding of legislatively authorized enhancements and will not be adjusted for inflation; 388-96-722, nursing assistant training hours will not be included in the test for excess nursing hours; 388-96-745, maximum construction cost per bed have been updated to correspond to recent Marshall Swift tables; 388-96-756, defines costs included in the enhancement cost center and mechanism for establishing this cost area rate; 388-96-763, individual rates may be established for recipients requiring exceptionally heavy care if the cost of such care exceeds the contractor's current reimbursement rate; 388-96-768, sets minimum wage for nonadministrative employees at \$4.76/hour beginning January 1, 1988, and \$5.15/hour beginning January 1, 1989; 388-96-774, expands the criteria the department will consider when a contractor requests a rate adjustment to fund increased staffing. Allows for rate adjustment when the department places a nursing home in receivership; and 388-96-904, replaces reference to Bureau of Nursing Home Affairs (BNHA) with Residential Rates and Licensure Services (RRLS).

**Rule Changes are Generally Necessary:** To comply with the provisions of chapter 74.46 RCW.

**Statutory Authority:** Chapter 476, Laws of 1987.

**Person Responsible for Drafting, Implementing and Enforcing the Changes:** Kathy Marshall, Manager of the Residential Rates Program, Aging and Adult Services Administration, Department of Social and Health Services, mailstop HB-11, (206) 753-3477, scan 234-3477.

**Rules are Necessary:** To comply with legislation referenced above and are not necessary as a result of federal or [no further information supplied by agency].

The above-described new rule and amendments are expected to have no significant financial impact in cost of compliance to nursing homes whether classified as

small businesses or not and, therefore, a small business impact statement is not required.

**AMENDATORY SECTION** (Amending Order 2240, filed 6/18/85)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accounting" ((=)) means activities providing information, usually quantitative and often expressed in monetary units, for decision-making, planning, evaluating performance, controlling resources and operations, and external financial reporting to investors, creditors, regulatory authorities, and the public.

(2) "Accrual method of accounting" ((=)) means a method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(3) "Administration and management" ((=)) means activities employed to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

(4) "Allowable costs" - See WAC 388-96-501.

(5) "Ancillary care" ((=)) means services required by the individual, comprehensive plan of care provided by qualified therapists or by support personnel under their supervision.

(6) "Arm's-length transaction" ((=)) means a transaction resulting from good-faith bargaining between a buyer and seller who have adverse bargaining positions in the marketplace. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(7) "Assets" ((=)) means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. "Assets" also include certain deferred charges ((~~which~~)) that are not resources but ((~~which~~)) are recognized and measured in accordance with generally accepted accounting principles.

(8) "Bad debts" ((=)) means amounts considered to be uncollectable from accounts and notes receivable.

(9) "Beds" ((=)) means, unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

(10) "Beneficial owner" ((=)) means any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection (10)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be

deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (10)(b) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(11) "Capitalization" ((=)) means the recording of an expenditure as an asset.

(12) "Capitalized lease" ((=)) means a lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" ((=)) means a method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

(14) "Change of ownership" ((=)) means a change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(a) Events which change ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the contractor to another party;

(iii) ~~(The nursing home enterprise is leased, or an existing lease is terminated;~~

~~(iv) )~~ Where the contractor is a partnership, any event occurs which dissolves the partnership;

~~((=))~~ (iv) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating decisions;

(ii) If the contractor is a corporation, some or all of its stock is transferred, provided the majority of controlling officers and directors of the corporation do not change; or

(iii) The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

(15) "Charity allowances" ((=)) means reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

(16) "Contract" ((=)) means a contract between the department and a contractor for the delivery of SNF or ICF services to medical care recipients.

(17) "Contractor" ((=)) means an entity which contracts with the department to deliver care services to medical care recipients in a facility and which entity is responsible for operational decisions.

(18) "Courtesy allowances" ((=)) means reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" ((=)) means the local community services office of the department.

(20) "Department" ((=)) means the department of social and health services (DSHS) and employees.

(21) "Depreciation" ((=)) means the systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

(22) "Donated asset" ((=)) means an asset which the contractor acquired without making any payment for the asset in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

(23) "Entity" ((=)) means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(24) "Equity capital" ((=)) means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(25) "Exceptional care recipient" ((=)) means a medical care recipient determined by the department to require exceptionally heavy care.

(26) "Facility" ((=)) means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(27) "Fair market value" ((=)) means prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell. Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is being determined.

(28) "Financial statements" ((=)) means statements prepared and presented in conformity with generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(29) "Fiscal year" ((=)) means the operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

(30) "Generally accepted accounting principles" ((=)) means accounting principles approved by the financial accounting standards board (FASB).

(31) "Generally accepted auditing standards" ((=)) means auditing standards approved by the American institute of certified public accountants (AICPA).

(32) "Goodwill" ((=)) means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired. Also, the excess of the price paid for an asset over the fair market value of the asset.

(33) "Historical cost" ((=)) means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(34) "ICF" ((=)) means, when referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

(35) "Imprest fund" ((=)) means a fund which is regularly replenished in exactly the amount expended from it.

(36) "Interest" ((=)) means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(37) "Intermediate care facility" ((=)) means a licensed facility certified to deliver intermediate care services to medical care recipients.

(38) "Joint facility costs" ((=)) means any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

(39) "Lease agreement" ((=)) means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee shall not be considered modification of a lease term.

(40) "Levels of care" ((=)) means the classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.



(41) "Medical care program" ((=)) means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(42) "Medical care recipient" ((=)) means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(43) "Multiservice facility" ((=)) means a facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

(44) "Net book value" ((=)) means the historical cost of an asset less accumulated depreciation.

(45) "Net invested funds" ((=)) means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year. Assets associated with central or home offices or otherwise not on the nursing home premises are not included in net invested funds.

(46) "Nonadministrative wages and benefits" means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

(47) "Nonallowable costs" ((=)) means same as "unallowable costs."

(48) "Nonrestricted funds" ((=)) means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

(49) "Nursing home" ((=)) means a home, place, or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing and/or intermediate care services are delivered.

(50) "Operating lease" ((=)) means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(51) "Owner" ((=)) means a sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(52) "Ownership interest" ((=)) means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(53) "Patient day" ((=)) means a calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

(54) "Per diem (per patient day) costs" ((=)) means total allowable costs for a fiscal period divided by total patient days for the same period.

(55) "Professionally designated real estate appraiser" ((=)) means an individual regularly engaged in the business of providing real estate valuation services for a fee, and deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examination on valuation practice and theory, and, by virtue of membership in such organization, required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(56) "Prospective daily payment rate" ((=)) means the rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

(57) "Qualified therapist":

(a) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional, either a qualified therapist or a therapist, approved by the department having specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker graduated from a school of social work;

(f) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; or

(h) An occupational therapist graduated from a program in occupational therapy, or having the equivalent of such education or training, and meeting all requirements of state law.

(58) "Recipient" ((=)) means a medical care recipient.

(59) "Records" ((=)) means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, invoices, schedules, summaries, and transaction documentation, however such data are maintained.

(60) "Regression analysis" ((=)) means a statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(61) "Related care" ((=)) means includes the director of nursing services, activities and social services programs, medical and medical records specialists, and consultation provided by medical directors, pharmacists, occupational, physical, speech, and other therapists, and mental health professionals as defined in law and regulation.

(62) "Related organization" ((=)) means an entity under common ownership and/or control with, or which has control of or is controlled by, the contractor. Common ownership exists if an entity has a five percent or greater beneficial ownership interest in the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

(63) "Relative" ((=)) means spouse; natural parent, child, or sibling; adopted child or adoptive parent; stepparent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

(64) "Restricted fund" ((=)) means a fund for which the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

(65) "Secretary" ((=)) means the secretary of the department of social and health services (DSHS).

(66) "Skilled nursing facility" ((=)) means a licensed facility certified to deliver skilled nursing care services to medical care recipients.

(67) "SNF" ((=)) means when referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

(68) "Start-up costs" ((=)) means the one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

(69) "Title XIX" ((=)) means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(70) "Unallowable costs" ((=)) means costs which do not meet every test of an allowable cost.

(71) "Uniform chart of accounts" ((=)) means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(72) "Vendor number" ((=)) means a number assigned to each contractor delivering care services to medical care recipients.

(73) "Working capital" ((=)) means total current assets necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities necessary, ordinary, and related to patient care from the most recent cost report.

**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 2270, filed 8/19/85)

WAC 388-96-204 FIELD AUDITS. (1) The department shall conduct a field audit of all cost reports for calendar year 1982 ((shall be field audited by the department)).

(2) The department may have auditors employed by the department or under contract field audit cost reports for years subsequent to 1982 ((may be field audited by auditors employed by or under contract with the department)).

(3) Beginning with field audits for calendar year 1983, the department shall audit up to one hundred percent of submitted contractor cost reports and patient care trust fund accounts ((shall be audited)).

(4) ((Am)) The department may audit ((of)) any or all schedules of a facility's cost report ((may be performed)). The department shall audit the cost report ((, in its entirety, will be audited)) at least once every three years.

(5) ((Beginning with cost reports for calendar year 1983, facilities selected for audit shall be notified within one hundred twenty days after submission of a complete and correct cost report of the department's intent to audit. Such audits shall be completed within one year after notification of the department's intent to audit unless the contractor fails to allow access to records and documentation or otherwise prevents the audit from being completed in a timely manner.

(6) The department or an auditor under contract with the department, if the department or such auditor deems it necessary)) To assure the accuracy of cost reports, the department or an auditor under contract with the department may require a contractor to submit ((and may)) for departmental review any underlying financial statements or other records including income tax returns ((, which relate)) relating to the cost report directly or indirectly.

((7)) (6) ((Regarding)) The department shall audit all submitted contractor cost reports ((, of)) of such facilities ((meeting the following conditions will be audited)) as follows:

(a) The department shall audit facilities terminating their Medicaid service contracts with the department ((to provide Medicaid services will be audited)) when the audits are conducted for the calendar year in which the contract is terminated. Schedule preference will be given to conduct closing audits as soon as possible;

(b) The department shall audit facilities contracting in any given calendar year ((shall be audited)) for that partial or full year, and facilities contracting for the first time ((shall be audited annually)) for the first ((two)) full calendar ((years)) year;

(c) ((Facilities whose last completed audit had an audit adjustment of ten thousand dollars or more in expenses, twenty thousand dollars or more in equity, one thousand dollars or more in revenue/interim payments, and/or fifty days or more in total patient days shall be audited;

(d)) The department shall audit facilities under investigation by the Internal Revenue Service, Securities Exchange Commission, Department of Health and Human Services, Medicaid fraud control unit, or any other federal, state, or municipal agency for alleged fiscal and/or patient account impropriety ((shall be audited)) for:

(i) The year ((during which)) such investigation is commenced ((; for));

(ii) Each year the investigation is continued ((, for));

(iii) The year ((during which)) the investigation is concluded ((;); and ((for))

(iv) Two full calendar years following the year the investigation is terminated ((;);

((e)) (d) The department shall audit facilities ((whose costs in one or more cost centers for the current year exceeds the industry average by one standard deviation, and such costs exceed prior year allowable costs, facilities whose costs in one or more cost centers exceeds inflation increases for the year in question, facilities with questionable costs in excess of ten thousand dollars, if requested by)) that the manager, residential rate ((management)) program, ((bureau of nursing home affairs, shall) aging and adult services, requests be audited.

((8)) (7) If a facility has a home or central office and such central office or any associated facility meets any of the criteria set forth in subsection ((7)) (6) of this section, the department shall audit such facility ((shall be audited)) as provided in subsection ((7)) (6) of this section.

((9)) (8) The department shall audit patient care trust fund accounts ((shall be audited)) annually if:

(a) Two or more findings were reported in the previous trust fund audit of a facility, or ((if;))

(b) In the opinion of the department, a single finding reported in the previous trust fund audit materially impacts the patient trust fund accounts maintained by the facility.

((10)) (9) The department may select for audit on a random or other basis reported costs and trust fund accounts of facilities ((may be selected for audit on a random or other basis)).

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-221 PRELIMINARY SETTLEMENT. (1) In the proposed preliminary settlement submitted ((by a contractor)) pursuant to WAC 388-96-220(2), a contractor shall compare the prospective rates at which the contractor was paid during the report period, weighted by the number of patient days reported for the period each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, cost savings, and upper limits to rates ((shall be taken into account)) on a cost center basis.

(2) Within one hundred twenty days after a proposed preliminary settlement is received, the department shall:

(a) Review ((it)) proposed preliminary settlement for accuracy, and

(b) Either accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement shall become the preliminary settlement report. If rejected, the department shall issue, by cost center, a preliminary settlement report ((by cost center which shall)) fully ((substantiate)) substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(3) A contractor shall have thirty days after receipt of a preliminary settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the thirty-day period, the department shall not review a preliminary settlement report ((shall not be subject to review)).

(4) If no audit is scheduled by the department or if a scheduled audit is not performed within two years of the scheduled date, the department shall perform the preliminary settlement review described in this section with the following exceptions:

(a) For cost centers, the department shall use desk-reviewed costs as the contractor allowable costs for the reporting period;

(b) The department shall calculate the variable portion of return on investment as calculated in the prospective rate;

(c) The department shall base the financing allowance portion of return on investment on audited costs in compliance with provisions contained in this chapter. If audited costs are not available, the department shall use the financing allowance used for rate setting. If an audited financing allowance is later determined, the department shall revise the final settlement to reflect audited financing allowance if payment is changed by \$1,000 or more; and

(d) When a complete audit was not performed and audited information is needed for purposes of calculating return on investment, the department may do a partial audit of current or prior year cost report.

AMENDATORY SECTION (Amending Order 2240, filed 6/18/85)

WAC 388-96-224 FINAL SETTLEMENT. (1) If an audit is conducted, the department shall issue a final settlement report to the contractor after completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations. The department shall prepare the final settlement ((shall be)) by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules submitted by the contractor. For the final settlement report, the department shall compare:

(a) The prospective rate ((at which)) the contractor was paid during the report period, weighted by the number of patient days reported for the period each rate was in effect as verified by audit, to

(b) The contractor's audited allowable costs for the reporting period. The department shall take into account all authorized shifting, cost savings, and upper limits to rates ((shall be taken into account)) on a cost center basis. If the contractor is pursuing in good faith an administrative or judicial review or appeal ((in good faith regarding)) of audit findings or determinations, the department may issue a partial final settlement report in order to recover overpayments based on audit findings or determinations not in dispute on review or appeal.

(2) For the 1981 cost report period, the department shall issue one settlement for the year ((which shall be)) composed of two parts:

(a) One relating to January 1, 1981, through June 30, 1981 ((;); and

(b) One relating to July 1, 1981, through December 31, 1981.

(3) For the first six months of 1981, the department shall compute the settlement ((shall be computed taking into account)) in accordance

with the court order and agreement between the department and Medicaid contractors for the UNH II and III period (January 1, 1978, through June 30, 1981).

(4) For the second six months of 1981, the department shall compute the settlement (~~shall be computed~~) in accordance with principles and instructions contained in regulations applicable to 1981 settlements, except for the requirement that a settlement cover an entire cost report year.

~~((3))~~ (5) A contractor shall have thirty days after receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the thirty-day period, the department shall not review a final settlement report (~~shall not be subject to review~~).

~~((4))~~ If no audit is conducted by the department, the preliminary settlement report shall become the final settlement report.

~~((5))~~ (6) The department shall reopen a final settlement (~~will be reopened by the department~~) if it is necessary to make adjustments based upon findings resulting from an audit performed pursuant to RCW 74.46.105. The department may also reopen a final settlement (~~may also be reopened~~) to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's medical care recipients, pursuant to RCW 74.46.180(5).

**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 2025, filed 9/16/83)

WAC 388-96-226 SHIFTING PROVISIONS. In computing a preliminary or final settlement, a contractor may shift savings ((t)) and/or overpayment((s)) in a cost center (~~may be shifted~~) to cover a deficit ((t)) and/or underpayment((s)) in another cost center up to the amount of the savings, provided (~~that~~):

(1) Contractors may not shift more than twenty percent of the rate in a cost center (~~may be shifted~~) into that cost center; (~~and~~)

(2) (~~No shifting~~) Contractors may (~~be made~~) not shift into the property cost center;

(3) Beginning January 1, 1988, contractors may not shift out of the nursing services cost center;

(4) Beginning January 1, 1988, contractors may shift savings and/or overpayments in the food cost center only to cover deficits and/or underpayments in the nursing services cost center; and

(5) Beginning January 1, 1988, contractors shall shift payments in the enhancement cost center shown to have been spent for legislatively authorized enhancements to nonadministrative wages and benefits to the nursing services and administration and operations cost centers, as appropriate. Such funds shall be shifted for no other purpose.

#### AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-228 COST SAVINGS. (1) (~~In the patient care and food cost areas and in the administration and operations and property cost areas prior to July 1, 1983, the~~) Contractors shall refund all payments (~~received for medical care recipients~~) in excess of allowable costs (~~for those recipients in those cost centers~~):

(a) Received prior to July 1, 1983;

(b) For medical care recipients; and

(c) For patient care, food, administration and operations, and property cost areas, taking into account any authorized shifting.

(2) Beginning July 1, 1983, (~~in the administration and operations and property cost areas~~) contractors shall be permitted to retain a portion of payments received in the administration and operations and property cost areas for recipients, in excess of allowable costs for those recipients, according to the following procedures:

(a) Based upon the latest information available, the department shall, by December 31st of each year, notify contractors of the fiftieth percentile rates in the administration and operations and property cost areas for the period July 1st through December 31st.

(b) A contractor shall be permitted to retain, after allowable shifting, seventy-five percent of cost savings in the administration and operations cost area or the property cost area, multiplied by medical care recipient days of service, if the average rate for the cost report period, computed according to department instructions in such cost area, is at or below the fiftieth percentile rate.

(c) A contractor shall be permitted to retain, after allowable shifting, fifty percent of cost savings in the administration and operations

cost area or property cost area, multiplied by medical care recipient days of service, if the average rate for the cost report period, computed according to department instructions in such cost area, is above the fiftieth percentile rate.

(d) (~~No~~) Contractors may not retain cost savings for calendar year 1985 and subsequently (~~shall be retained~~) if the sum of the reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs in those cost centers by ten cents or more per patient day.

(3) The department shall recover cost savings attributable to any industrial insurance dividend or premium discount under RCW 51.16-.035 (~~shall be recovered by the department~~) in proportion to the ratio of medical care recipients to other patients at the facility.

(4) For the 1983 cost reporting period, the department shall compute cost savings (~~shall be computed~~) but shall prorate allowable savings (~~shall be prorated~~) by the proportion of Medicaid patient days reported for July 1st through December 31st to the total number of Medicaid patient days reported for the year.

(5) The department shall compute cost savings calculated for the final settlement on closing cost reports using property costs without consideration of any gain or loss on the sale of assets in the report year.

#### AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-229 PROCEDURES FOR OVERPAYMENTS AND UNDERPAYMENTS. (1) The department shall make payment of underpayments determined by preliminary or final settlement within thirty days after the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received overpayments or payments in error as determined by preliminary or final settlement shall refund such payments to the department within thirty days after receipt of the preliminary or final settlement report as applicable. Contractors shall refund to the department funds reimbursed in the enhancement cost center, but not spent in the legislatively authorized manner.

(3) If a contractor fails to comply with subsection (2) of this section, the department shall:

(a) Deduct from current monthly amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(b) If the contract has been terminated:

(i) Deduct from any amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(ii) Pursue, as authorized by law and regulation, recovery of the refund due and interest on the unpaid balance at the rate of one percent per month.

(4) (~~If~~) A facility (~~is~~) pursuing a timely filed administrative or judicial (~~remedies~~) remedy in good faith regarding a proposed (~~preliminary settlement report which was rejected or a final~~) settlement report (~~the contractor~~) need not refund (~~nor shall~~) overpayments. The department shall not withhold from current amounts due the facility any refund or interest the department claims to be due from the facility, provided the refund is specifically disputed by the contractor on review or appeal. Portions of refunds due the department (~~which are~~), not specifically disputed by the contractor on review or appeal, are subject to recovery and assessment of interest as provided in subsection (3) of this section. If the administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals, the facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest as payable on judgments from the date the review was requested pursuant to WAC 388-96-901 and 388-96-904 to the date the repayment is made.

#### AMENDATORY SECTION (Amending Order 1892, filed 10/13/82)

WAC 388-96-384 LIQUIDATION OF TRUST FUND. (1) Expired patient. The provider (~~will~~) shall obtain a receipt from next of kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next of kin, guardian, or duly qualified agent, the contractor shall contact the CSO (~~is to be contacted~~) in writing within seven days for assistance in the release of the money held in trust. A check or other document showing payment to such next of kin, guardian, or duly qualified agent will serve as a receipt.

(2) Patient, unable to locate. In situations where the patient leaves the nursing home without authorization and his or her whereabouts are unknown:

(a) The nursing home (~~(will)~~) shall make a reasonable attempt to locate the missing patient. This includes ~~(:)~~ contacting:

- (i) Friends,
- (ii) Relatives,
- (iii) Police,
- (iv) The guardian, and
- (v) The community services office in the area.

(b) If the patient cannot be located after ninety days, the nursing home (~~(must)~~) shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.28 RCW. The nursing home (~~(will be required to)~~) shall deliver to the department of revenue the balance of the patient's trust fund account within twenty days following such notification.

(3) Prior to the sale or other transfer of ownership, the contractor shall:

- (a) Provide each resident or resident representative with a written accounting of any personal funds held by the contractor;
- (b) Provide the new owner with a written accounting of all resident funds being transferred; and
- (c) Obtain a written receipt for those funds from the new owner.

**AMENDATORY SECTION** (Amending Order 2372, filed 5/7/86, effective 7/1/86)

WAC 388-96-502 **INDIRECT AND OVERHEAD COSTS.** If a contractor provides goods or services not reimbursable under this chapter, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs. Such goods and services include, but are not limited to, compensation to administrative personnel and management fees in excess of limits established in this chapter.

**AMENDATORY SECTION** (Amending Order 2172, filed 12/4/84)

WAC 388-96-505 **OFFSET OF MISCELLANEOUS REVENUES.** (1) ~~The contractor shall reduce allowable costs (shall be reduced by the contractor)~~ whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for care services; ~~except (that), the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom (will not be deducted from the allowable costs of a nonprofit facility).~~

(2) The contractor shall reduce allowable costs (~~(will be reduced)~~) for hold-bed revenue in the property and administration and operations cost areas only. In the property cost area, the amount of reduction will be determined by dividing allowable property costs by total patient days and multiplying the result by total hold-room days. In the administration and operations cost area, the amount of reduction will be determined by dividing allowable administration and operations costs minus dietary, laundry, and nursing supply costs by the total patient days and multiplying the result by total hold-room days.

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

(4) Only allowable costs shall be recovered under this section. Costs allocable to activities or services (~~(which are)~~) not included in SNF or ICF services (e.g., costs of vending machines, ~~(patients' personal laundry)~~) and services specified in chapter 388-86 WAC (~~(which are)~~) not included in SNF or ICF services) are nonallowable costs.

**AMENDATORY SECTION** (Amending Order 2372, filed 5/7/86, effective 7/1/86)

WAC 388-96-533 **MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL.** (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits promulgated pursuant to subsection (5) of this section.

(2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty

hours per week, including reasonable vacation, holiday, and sick time) (~~(will)~~) shall be allowable at the lower of:

- (a) Actual compensation received, or
- (b) The amount in the table promulgated pursuant to subsection (5) of this section corresponding to the number of beds in the nursing home.

Compensation of the licensed administrator (~~(will only)~~) shall be allowable only if the department is given written notice of (~~(his or her)~~) the administrator's employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator (~~(will)~~) shall be allowable if there are at least eighty beds in the nursing home, at the lower of:

- (a) Actual compensation received, or
- (b) Seventy-five percent of the appropriate amount in the table promulgated pursuant to subsection (5) of this section.

(4) Total compensation of not more than one full-time registered administrator-in-training (~~(will)~~) shall be allowable at the lower of:

- (a) Actual compensation received, or
- (b) Sixty percent of the appropriate amount in the table promulgated pursuant to subsection (5) of this section.

(5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year (~~(1986)~~) 1987

Bed Size	
1 - 79	\$ <del>((32,471))</del> 33,672
80 - 159	\$ <del>((35,935))</del> 37,265
160 and up	\$ <del>((38,202))</del> 39,615

(6) (~~(Tables to be promulgated in writing by)~~) The department (~~(for subsequent years)~~) shall determine maximum total compensation for licensed administrators of nursing facilities in the various bed size categories in subsequent years based on tables to be issued annually in writing. For 1987 and subsequent years, tables shall reflect calendar year 1986 maximums increased by any inflation adjustment authorized by the legislature.

(7) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, allowable compensation shall be the lower of:

- (a) Actual compensation received, or
- (b) The appropriate amount in the table promulgated pursuant to subsection (5) of this section ~~(:)~~:

(i) Multiplied by the (~~(percentage derived from the division of the)~~) actual hours worked, plus reasonable vacation, holiday, and sick time normally available to employees working similar hours ~~(:)~~; and

(ii) Divided by forty hours per week for each week covered by the cost report. Further discounting is required if the person was not licensed or registered and/or worked for less than the entire report period.

(8) The contractor shall maintain time records which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. The contractor shall include in such records (~~(must verify))~~ verification of the actual hours of service performed for the nursing home.

(9) The department shall limit total reimbursement for administrative and management services (~~(shall be limited in total amount))~~ to allowable compensation for administrative personnel set forth in this section. This policy shall apply regardless of the provisions of any employment, management or consultation agreement, or other arrangement (~~(which exists))~~ existing between the contractor and persons or organizations providing such services.

(10) The department shall not consider costs of an administrator-in-training (~~(shall not be considered))~~ for the purpose of setting the administration and operations prospective rate. The costs of an approved administrator-in-training program shall be reimbursed by an adjustment to current rate. To obtain an adjustment, the contractor (~~(must))~~ shall submit a request for an increase in current rate together with necessary documentation which shall include:

- (a) A copy of the department of licensing approval of the administrator-in-training program, and
- (b) A schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the

actual termination date of the administrator-in-training program. Upon termination of the program, the department shall reduce the current rate ((shall be reduced)) by an amount corresponding to the cost of the program.

**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 2025, filed 9/16/83)

WAC 388-96-534 DISCLOSURE AND APPROVAL OF JOINT FACILITY COST ALLOCATION. (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs (~~((which represent))~~ representing allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) The contractor shall demonstrate in such disclosure ((shall demonstrate that)):

(a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(3) The contractor shall make such disclosure ((shall be made)) not later than September 30th for each year; except ~~((that))~~, a new contractor shall submit the first year's disclosure together with the submissions required by WAC 388-96-026. ~~((Where a contractor will make neither a change in the joint costs to be incurred nor in the allocation methodology, the contractor may certify no change will be made in lieu of the disclosure required in subsection (1) of this section.))~~

(4) The department shall approve such methodology not later than December 31, 1980, and not later than December 31st for each year thereafter.

(5) An amendment or revision to an approved methodology shall be submitted to the department for approval at least ninety days prior to the effective date of the amendment or revision.

(6) Where a contractor will begin to incur joint facility costs at some time other than the beginning of the calendar year, the contractor shall provide the information required in subsections (1) and (2) of this section at least ninety days prior to the date ~~((at which))~~ the cost will first be incurred.

(7) Joint facility costs not disclosed, allocated, and reported in conformity with this section are nonallowable costs.

#### AMENDATORY SECTION (Amending Order 2372, filed 5/7/86, effective 7/1/86)

WAC 388-96-535 MANAGEMENT AGREEMENTS, MANAGEMENT FEES, AND CENTRAL OFFICE SERVICES. (1) If a contractor intends to enter into a management agreement with an individual or firm ~~((which will manage))~~ managing the nursing home as an agent of the contractor, the contractor shall send a copy of the agreement ((must be received by)) to the department at least sixty days before the agreement is to become effective. A contractor shall send a copy of any amendment to a management agreement ~~((must be received by))~~ to the department at least thirty days in advance of the date the amendment is to become effective. ~~((No))~~ The department shall not allow management fees for periods prior to the time the department receives a copy of the applicable agreement ((will be allowable)). When necessary for the health and safety of medical care recipients, the department may waive the sixty-day notice requirement ((may be waived.)) in writing ~~((by the department)).~~

(2) The department shall allow management fees ((will be allowed)) only if:

(a) A written management agreement both:

(i) Creates a principal and/or agent relationship between the contractor and the manager((:)); and

(ii) Sets forth the items, services, and activities to be provided by the manager((; and)).

(b) Documentation demonstrates the services contracted for were actually delivered.

~~((To be))~~ Fees are allowable((; fees must be)) only for necessary, nonduplicative services.

(3) Allowable fees for general management services, including corporate or business entity management and board of director's fees and including ~~((the portion of a))~~ management ~~((fee))~~ fees ~~((which is))~~ not allocated to specific services ~~((such as accounting)),~~ are limited to:

(a) The maximum allowable compensation under WAC 388-96-533 of the licensed administrator and, if the facility has at least eighty beds, of an assistant administrator, less

(b) Actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any. In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

(4) A management fee paid to or for the benefit of a related organization ~~((will))~~ shall be allowable to the extent the fee does not exceed the lesser of:

(a) The limits set out in subsection (3) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, ~~((measurement of))~~ department shall comply with WAC 388-96-534 in measuring such costs ((shall comply with WAC 388-96-534)).

(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, including the ~~((portion of a))~~ management expense ~~((which is))~~ not allocated to specific services, shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(6) Necessary travel and housing expenses of nonresident staff working at a contractor's nursing facility ~~((are))~~ shall be considered allowable costs if the visit does not exceed three weeks. Travel and housing expenses necessary for visits in excess of three weeks are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(7) Bonuses paid to employees at a contractor's nursing facility ~~((are))~~ shall be considered compensation. Bonuses paid to employees:

(a) At a contractor's central office or ((otherwise not employed)) elsewhere other than at the nursing facility, and

(b) Who are not engaged in nonmanagerial services such as accounting, are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

**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 2485, filed 4/29/87 [4/20/87]):1

WAC 388-96-710 PROSPECTIVE REIMBURSEMENT RATE FOR NEW CONTRACTORS. (1) The department shall establish a prospective reimbursement rate for a new contractor ((will be established)) within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). ~~((It will be effective))~~ The rate shall take effect as of the effective date of the contract.

(2) The department shall base this prospective reimbursement rate ((will be based)) on the contractor's projected cost of operations, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances. This rate shall comply with all the provisions of rate setting contained in this chapter and shall comply with all lids and maximums set forth in this chapter. Subject to such provisions, lids, and maximums, the department shall follow the procedures set forth in this section ((shall be followed)).

(a) The department shall select from department records a sample comprised of all the current contractors in the same county in similar circumstances:

(i) For facilities not operated by a Medicaid contractor for the period of operation immediately prior to the effective date of the new contract, and

(ii) For new facilities going into operation for the first time ~~((a sample comprised of all the current contractors in the same county in similar circumstances shall be selected from departmental records)).~~ Similar circumstances shall consist of the same bed capacity, plus or minus twenty-five beds, and whether licensed or not to provide skilled nursing care or intermediate care. The department shall exclude from the sample facilities against which the department has assessed a civil penalty for health or safety violations or proposed licensed revocation, stop placement or decertification for health or safety violations within six months preceding the effective date of the new contract ((shall be

~~excluded from the sample~~). If the county-wide sample does not include at least six facilities, ~~the department shall include in the sample all facilities in similar circumstances in the adjoining county or counties ((shall also be included))~~. Based upon the most recent information in its files relating to the topics set forth below, the department shall determine:

~~((†))~~ (A) The average sample debility score;

~~((††))~~ (B) The average sample nursing services wages and hours; and

~~((†††))~~ (C) The average sample costs for nursing services, food, and administration and operations cost centers inflated in accordance with the provisions of this chapter.

~~((††††))~~ (D) Nursing services. The department shall follow the projected budget ~~((shall be followed))~~ for rate setting to the extent it does not exceed the sample average wages, hours, and inflated costs plus ten percent of such wages, hours, and inflated costs. The department shall allow a budget ~~((shall be allowed))~~ above the sample averages plus ten percent only to the extent anticipated debility of the patient population to be served exceeds or is likely to exceed the sample average debility as demonstrated and documented by the contractor. In such cases, rate funding shall not exceed predicted staffing ~~((of))~~ for the anticipated debility. The department shall determine actual debility when sufficient data is available and shall recover any overpayment under rules relating to errors and omissions.

~~((†††††))~~ (E) Food. The food rate shall be the rate per patient day of other Medicaid contractors established in accordance with this chapter.

~~((††††††))~~ (F) Administration and operations. The department shall follow the projected budget ~~((shall be followed))~~ for rate setting to the extent it does not exceed:

(aa) The sample average inflated costs as determined under subsection (2)(a) of this section for administration and operations, plus

(bb) Ten percent of such costs. The department shall allow a budget ~~((shall be allowed))~~ above the sample average inflated costs plus ten percent only to the extent costs are likely to exceed the inflated sample average plus ten percent as demonstrated by the contractor~~(;)~~. However, the department shall allow budgeted salaries of administrators and assistant administrators ~~((shall be allowed))~~ if not in excess of maximums set forth in this chapter.

~~((†††††††))~~ (G) Property. The property rate shall be set in accordance with the provisions of this chapter.

~~((††††††††))~~ (H) Return on investment. The department shall set the return on investment rate ~~((shall be set))~~ in accordance with the provisions of this chapter ~~((and))~~. The department shall use budgeted food cost ~~((will be used))~~ in computing the financing allowance to the extent it does not exceed the inflated sample average food cost. The department shall allow a budget ~~((will be allowed))~~ above the inflated sample average only to the extent food cost is likely to exceed the inflated sample average as demonstrated and documented by the contractor.

(b) ~~((For facilities operated by a Medicaid contractor for the period of operation, if any, immediately prior to the effective date of the new contract;))~~ The department shall follow the procedures set forth in subsection (2)(a) of this section ~~((shall be followed, except that;))~~ for facilities operated by a Medicaid contractor, if any, for the period of operation immediately prior to the effective date of the new contract. However, the department shall use data used to set the preceding contractor's rate ~~((shall be used))~~ rather than data from a sample average plus ten percent. ~~((However;))~~ The department shall not use data used to set the preceding contractor's rate ~~((shall not be used))~~ if the department has assessed a civil penalty against such contractor for health or safety violations or has proposed licensed revocation, stop placement, or decertification for health or safety violations within six months preceding the effective date of the new contract. In such cases, the department shall use sample average data ~~((shall be used))~~.

(c) The department shall follow the procedures set forth in subsection (2)(a) of this section for existing facilities constructing additions or making renovations after obtaining certificate of need approval~~(;)~~ if:

(i) The operating entity for the period prior to the effective date of the new contract was not a Medicaid contractor~~(;)~~; or ~~((if))~~

(ii) The department assessed a civil penalty against the facility for health or safety violations or proposed license revocation, stop placement, or decertification for health or safety violations within six months prior to the effective date of the new contract~~(; the department shall follow the procedures set forth in subsection (2)(a) of this~~

~~section))~~. Otherwise, the department shall follow the procedures indicated in subsection (2)(b) of this section ~~((shall be followed, except that;))~~. However, data used to set the preceding contractor's rate shall be adjusted to reflect increased bed capacity, if any.

(3) If the department has not received a properly completed projected budget ~~((is not received))~~ at least sixty days prior to the effective date of the contract, the department ~~((with))~~ shall establish a ~~((preliminary))~~ rate based on the other factors specified in subsection (2) of this section. This ~~((preliminary))~~ initial prospective rate ~~((with))~~ shall remain in effect until ~~((an initial))~~ a prospective rate can be set according to WAC 388-96-713.

(4) ~~((Where))~~ If a change of ownership ~~((is involved which))~~ is not an arm's-length transaction as defined in WAC 388-96-010, the department shall set the new contractor's prospective rates in the administration and operation and property cost areas ~~((will be))~~ no higher than the rates of the old contractor, adjusted if necessary to take into account economic trends.

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

#### AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

WAC 388-96-716 COST AREAS. A contractor's overall reimbursement rate for medical care recipients ~~((consists))~~ shall consist of the total of ~~((five))~~ six component rates, each covering one cost area. The ~~((five))~~ six cost areas are:

- (1) Nursing services;
- (2) Food;
- (3) Administration and operations;
- (4) Property; ~~((and))~~
- (5) Return on investment; and
- (6) Enhancement.

#### AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) The department shall take data used in determining rates ~~((will be taken))~~ from the most recent complete, desk-reviewed annual cost report submitted by contractors.

(2) The department shall exclude data containing obvious errors ~~((will be excluded))~~ from the determination of predicted costs and rate upper limits for WAC 388-96-735.

(3) The department shall apply inflation adjustments ~~((shall be applied))~~ as follows:

(a) ~~((In the nursing services and administration and operations cost areas))~~ For July rate setting, a percentage adjustment determined by the legislature shall be applied to allowable costs ~~((in these))~~ in the nursing services and administration and operations cost areas if the cost report for a contractor covers all twelve months of the cost report period. If the cost report covers less than twelve months, the department shall reduce the inflation factor ~~((shall be reduced))~~ to reflect the shorter period.

(b) ~~((In the food cost area;))~~ The department shall apply an inflation factor of 2.5 percent ~~((shall be applied))~~ to the January 1, 1983, food cost area rate for all contractors to determine the July 1, 1983, food cost center rate. For July rate setting in subsequent years, the department shall apply the adjustment factor determined annually by the legislature ~~((shall be applied))~~ to the ~~((previous July))~~ January 1, 1983, rate.

(c) The department shall not adjust property ~~((and))~~, return on investment, and enhancement rates ~~((will not be adjusted))~~ for inflation.

(4) The department shall compute the occupancy level for each facility ~~((shall be computed))~~ by dividing the actual number of patient days by the product of the numbers of licensed beds and calendar days in the report period. ~~((For prospective rate computations, as well as determining lids for property and administration and operations reimbursement;))~~ If a facility's occupancy is below eighty-five percent, the department shall compute, per patient day ~~((cost shall be computed))~~, property and administration and operation prospective rates and lids utilizing patient days at the eighty-five percent occupancy level. The department shall use actual occupancy level ~~((shall be utilized))~~ for facilities at or above eighty-five percent occupancy.

(5) If a nursing home provides residential care to individuals other than skilled or intermediate care patients~~(;)~~:

(a) The facility may request in writing, and

(b) The department may grant in writing an exception to the requirements of subsection (4) of this section by including such other

residents in computing occupancy. Exceptions granted ~~((with))~~ shall be revocable effective ninety days after written notice of revocation is received from the department. No exception ~~((with))~~ shall be granted unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

**AMENDATORY SECTION** (Amending Order 2372 [2485], filed 5/7/86 [4/20/87], effective 7/1/86)

WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The nursing services cost area reimbursement rate ~~((with))~~ shall reimburse for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care provided by qualified therapists and their employees are included only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) Nursing service costs ~~((with))~~ shall be subject to two reasonable tests:

- (a) A test for nursing staff hours; and
- (b) A test for cost increases between the current and preceding report period.

~~((with))~~ (3) The test for nursing staff hours ~~((with))~~ shall use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' ~~((and))~~ assistants, including:

(a) Purchased and allocated nursing and ~~((and))~~ assistant staff time, and

(b) The average Battelle patient debility score for the corresponding facilities as computed by the department. The department shall take data for the regression ~~((shall be taken))~~ from:

(i) Correctly completed cost reports, and ~~((from))~~

(ii) Patient assessments completed by the department for the corresponding calendar report year ~~((, which are))~~ and available at the time the regression equation is computed. Effective January 1, 1988, the department shall not include the hours associated with off-site or class room training of nursing assistants and the supervision of such training for nursing assistants in the test for nursing staff hours. The department shall calculate and set for each facility a limit on nursing and nursing ~~((and))~~ assistant staffing hours ~~((will be calculated and set for each facility))~~ at predicted staffing hours plus 1.75 standard errors, utilizing the regression equation calculated by the department. The department shall reduce costs for facilities with reported hours exceeding the limit ~~((will be reduced))~~ by an amount equivalent to:

- (A) The hours exceeding the limit;
- (B) Times the average wage rate for nurses and ~~((and))~~ assistants indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. The department shall provide contractors' reporting hours exceeding the limit ~~((shall receive))~~ the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

~~((with))~~ (4) The test for cost increases shall compare:

(a) The percentage change in allowable nursing services cost for the facility between the most recent cost report period and the next prior cost report period ~~((allowable nursing service costs for the facility));~~

(b) Against the percentage change in the medical care component of the consumer price index for all urban consumers between July of the most recent cost report period and July of the next prior cost report period ~~((medical care component of the consumer price index for urban consumers nationwide)).~~ The department shall limit facilities reporting increases greater than the medical care component of the consumer price index ~~((shall be limited))~~ to a rate determined by their adjusted patient care costs for the period immediately preceding the most recent cost report period, inflated by the medical care component of the consumer price index.

**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 bracketed material preceding the section above was supplied by the code reviser's office.

**AMENDATORY SECTION** (Amending Order 2485, filed 4/20/87)

WAC 388-96-745 PROPERTY COST AREA REIMBURSEMENT RATE. (1) The department shall determine the property cost

area rate for each facility ~~((shall be determined))~~ by dividing ~~((the sum of))~~:

(a) The prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department ~~((and)), plus~~

(b) The retained savings from the property cost center as provided in WAC 388-96-228, by

(c) Total patient days for the facility in the prior period. Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned or leased by the contractor. The department shall not reimburse depreciation of leased office equipment ~~((shall not be reimbursable)).~~

(2) If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the department shall adjust the prior period total patient days used in computing the property cost center rate ~~((shall be adjusted))~~ to anticipated patient day level.

(3) When a new facility is constructed after obtaining a certificate of need, the department shall determine allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (4) and (5) of this section. The department shall determine construction types ~~((shall be determined by the department))~~ through examination of building plans submitted to the department and/or on-site inspections ~~((utilizing)).~~ The department shall use definitions and criteria contained in the marshall valuation service published by the marshall swift publication company, ~~((provided)).~~ Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(4) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.); and
- (h) Other items included by the marshall swift valuation service when deriving the calculator method costs.

The department shall allow such construction costs ~~((shall be allowed)),~~ at the lower of actual costs or the maximums shown in the following tables, adjusted to the average date of construction for any changes in construction costs shown by relevant cost indexes published by marshall swift. The average date of construction shall be the mid-point date between award of the construction contract and completion of construction.

**BASE COSTS PER BED FOR ALL BEDS IN THE FACILITY BY FACILITY CLASS, QUALITY, AND SIZE:**

Class and Quality	0 to 60 Beds	61 to 120 Beds	Over 120 Beds
A-good	<del>\$(39,014)</del> 50,139	<del>\$37,023</del> 42,079	<del>\$33,682)</del> 39,006
A-average	<del>((31,902</del> 40,967	<del>30,274</del> 34,381	<del>27,543))</del> 31,870
B-good	<del>((37,332</del> 48,104	<del>35,427</del> 40,371	<del>32,231))</del> 37,422
B-average	<del>((30,905</del> 39,786	<del>29,329</del> 33,389	<del>26,682))</del> 30,951
C-good	<del>((27,592</del> 35,939	<del>26,184</del> 30,161	<del>23,822))</del> 27,959
C-average	<del>((21,576</del> 27,924	<del>20,475</del> 23,435	<del>18,628))</del> 21,723
C-low	<del>((17,011</del> 22,019	<del>16,143</del> 18,479	<del>14,687))</del> 17,130
D-good	<del>((25,051</del> 32,622	<del>23,773</del> 27,377	<del>21,628))</del> 25,378
D-average	<del>((19,501</del> 25,221	<del>18,506</del> 21,167	<del>16,836))</del> 19,621
D-low	<del>((15,297</del> 19,796	<del>14,516</del> 16,613	<del>13,206))</del> 15,400

ADDITIONS TO BASE COSTS BY FACILITY CLASS, QUALITY, AND SIZE:

Class and Quality	Add to Base Cost for All Facilities	Add for Each Bed from 61 to 120 Beds	Add for Each Bed Over 120 Beds
A-good	<del>\$(228,577)</del> 239,773	<del>\$2,679</del> 2,810	<del>\$1,897)</del> 1,990
A-average	<del>(186,900)</del> 195,908	<del>2,190</del> 2,296	<del>1,551)</del> 1,626
B-good	<del>(218,726)</del> 230,041	<del>2,563</del> 2,696	<del>1,816)</del> 1,910
B-average	<del>(181,064)</del> 190,261	<del>2,122</del> 2,230	<del>1,503)</del> 1,579
C-good	<del>(161,649)</del> 171,866	<del>1,894</del> 2,014	<del>1,342)</del> 1,427
C-average	<del>(126,403)</del> 133,537	<del>1,481</del> 1,565	<del>1,049)</del> 1,108
C-low	<del>(99,676)</del> 105,299	<del>1,168</del> 1,234	<del>827)</del> 874
D-good	<del>(146,780)</del> 156,003	<del>1,720</del> 1,828	<del>1,218)</del> 1,295
D-average	<del>(114,258)</del> 120,612	<del>1,339</del> 1,413	<del>948)</del> 1,001
D-low	<del>(189,620)</del> 94,667	<del>1,050</del> 1,109	<del>744)</del> 786

(5) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

(a) Actual cost per square foot, or ~~(at the time of purchase of the land in question;)~~

(b) The average per square foot land value of the ten nearest urban or rural nursing homes ~~(depending upon)~~ at the time of purchase of the land in question. The average land value shall depend on classification of the home in question, assessed for purposes of taxation.

(6) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3) and (4) of this section, ~~(they)~~ the department may ~~(be increased)~~ increase the amount if the owner or contractor is able to show unusual or unique circumstances ~~(which have)~~ having substantially impacted the costs of construction or land. Actual costs ~~(with)~~ shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3) and (4) for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact ~~(must accompany)~~ with the request.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 388-96-756 ENHANCEMENT COST AREA RATE. (1) The enhancement cost area reimbursement rate shall reimburse for specific legislatively authorized enhancements for nonadministrative wages and benefits when funds have been appropriated for such enhancements by the legislature.

(2) Based on information provided by contractors, in the form required by the department and certified by the contractor or nursing home administrator, the department shall identify nursing homes paying wages less than the minimum wages established in WAC 388-96-768. The contractor shall submit documentation and verification of actual hours reimbursed for regular, vacation, sick, holiday, and over time. Documentation shall include a written policy regarding payment of vacation, sick, holiday, and over time. Effective January 1, 1988, and January 1, 1989, the department shall grant a prospective rate revision to fund the additional cost of increasing wages to the minimum established in WAC 388-96-768.

(3) On or before January 1, 1988 and January 1, 1989, contractors shall increase wages below the minimum wages established in WAC 388-96-768 by any inflation adjustment granted under WAC 388-96-719, beginning with the July 1, 1987 inflation adjustment.

(4) Reimbursement for minimum hourly wage requirements shall be based on the highest level paid in any of the three preceding cost years. Contractors shall provide justification if average hourly wages, as reported to the department on cost report schedules, decrease over time.

(5) Effective January 1, 1990, providers shall pay wages equal to those established in WAC 388-96-768 and shall be reimbursed for this cost only through the prospective reimbursement rate.

(6) Effective January 1, 1988 and January 1, 1989, the department shall allocate to all facilities a proportionate share of dollars appropriated by the legislature to enhance nonadministrative wages and benefits above the moneys necessary to fund the minimum wage established in WAC 388-96-768. The department shall not reimburse or allocate dollars in excess of those specified in the biennial appropriation. Dollars shall be allocated to each home based on hours worked by employees in the home earning more than the minimum wage established in WAC 388-96-768.

(7) Beginning October 1, 1987, the department may verify forms submitted by facilities for calculation of enhancement cost center reimbursement rates.

AMENDATORY SECTION (Amending Order 1892, filed 10/13/82)

WAC 388-96-763 RATES FOR RECIPIENTS REQUIRING EXCEPTIONALLY HEAVY CARE. (1) A contractor certified to care for SNF patients may apply for an individual prospective reimbursement rate for a recipient whose special nursing and direct care-related service needs are such that the cost of care will ~~(be at least twice)~~ exceed the contractor's current reimbursement rate.

(2) ~~(Application)~~ Contractors shall apply for an individual rate for an exceptionally heavy care recipient ~~(shall be made)~~ in accordance with instructions furnished by the department.

(3) The department shall grant an individual rate for an exceptionally heavy care recipient ~~(will be granted)~~ for a specified period of time, subject to extension, revision, or termination, depending on the recipient's care requirements at the end of such period. ~~(It will be computed)~~ The department shall compute the rate to cover the projected actual costs of care of the recipient.

(4) The department shall inform the contractor ~~(will be informed)~~ in writing of the disposition of ~~(its)~~ the contractor's application as soon as possible and in no case longer than thirty days following receipt of a properly completed application.

NEW SECTION

WAC 388-96-768 MINIMUM WAGE. Effective January 1, 1988, contractors shall adjust and maintain wages for all employees to conform to no less than the minimum hourly wage established by the legislature. This wage is four dollars and seventy-six cents an hour beginning January 1, 1988, and five dollars and fifteen cents an hour beginning January 1, 1989. If moneys are appropriated by the legislature, costs to prospectively fund these minimum wage requirements shall be reimbursed in the enhancement cost center.

AMENDATORY SECTION (Amending Order 2270 [2485], filed 8/19/85 [4/20/87])

WAC 388-96-774 PROSPECTIVE RATE REVISIONS. (1) The department shall determine each contractor's reimbursement rates ~~(will be determined)~~ prospectively at least once each calendar year, to be effective July 1st. The department shall determine all prospective reimbursement rates for 1984 and thereafter ~~(shall be determined utilizing)~~ using the prior year's desk-reviewed cost reports. Prospective rates shall be maximum payment rates for contractors for the periods to which they apply ~~(and)~~. Revisions may be granted for inflation only as authorized in WAC 388-96-719(3) ~~(and)~~. Other revisions for cost increases may be granted only as authorized in this section. The department shall not grant rate adjustments for wage increases except as authorized in WAC 388-96-756 and not for increases in use of temporary employment services providing direct patient care. This section shall apply to rate revision requests and periods subsequent to May 20, 1985.

(2) The department shall adjust rates ~~(shall be adjusted)~~ for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department may adjust rates ~~(may be adjusted as determined by the department)~~ for the following:

(a) Variations ~~(of more than ten percent)~~ in the distribution of patient classifications or changes in patient characteristics from:

(i) The prior reporting year, or ~~(from)~~

(ii) Those used to set the rate for a new contractor, or ~~(which correspond)~~

(iii) Corresponding to the nursing staff funded for a new contractor.

(b) Program changes required by the department.

(c) Changes in staffing levels at a facility required by the department.



~~((d) Changes required by survey:))~~

- (4) Contractors requesting an adjustment ~~((must))~~ shall submit:
- (a) A financial analysis showing:
    - (i) The increased cost, and
    - (ii) An estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;
  - (b) A written justification for granting the rate increase; and
  - (c) A certification and supporting documentation ~~((which shows))~~ showing the changes in staffing have commenced, or other commenced or completed improvements ((have been commenced or completed)).
- (5) Contractors receiving prospective rate increases pursuant to this section ~~((must))~~ shall submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for changes or improvements approved by the department in granting the adjustment, they shall be subject to immediate recovery by the department.
- (6) A contractor requesting an adjustment pursuant to subsection (3)(a) of this section shall submit a written plan specifying:
- (a) Additional staff to be added,
  - (b) Changes in Medicaid patient characteristics requiring the additional staff, and
  - (c) The ((patient care needs the facility has been unable to meet due to lack of sufficient staff)) predicted improvements in patient care services which will result. The department shall respond to such requests within sixty days following the receipt of a properly completed request.
- (7) In reviewing a request made under subsection (3) of this section, the department shall consider one or more of the following:
- (a) Whether additional staff requested by a contractor is ~~((appropriate in meeting))~~ necessary to meet patient care needs((-));
  - (b) Comparisons of staffing ~~((levels))~~ patterns of facilities having similar size and patient characteristics((-));
  - (c) The physical layout of the facility((-);
  - (d) ~~((Supervision and management of current staff:))~~ Nursing service planning and management for maximum efficiency;
  - (e) Historic trends in underspending of a facility's nursing services component rate.
  - (f) Numbers and positions of existing staff;
  - (g) Increases in acuity (debility) levels of contractors' residents;
  - (h) Survey, inspection of care, and department consultation results;
- and
- (i) Facility's ability to fund staffing request through existing nursing services and food rates.
- (8) If a request made under subsection (3) of this section is approved by the department, the cost of funding the additional staff may be reduced for rate revision purposes by amounts shifted out of nursing services in 1986 or 1987, as reflected in the preliminary or final settlement reports for 1986 and 1987;
- (9) Rates may also be adjusted to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:
- (a) Compensation of the receiver,
  - (b) Reasonable expenses of receivership and transition of control,
- and
- (c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

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

**AMENDATORY SECTION** (Amending Order 2076, filed 2/17/84)**WAC 388-96-904 ADMINISTRATIVE REVIEW PROCESS.**

(1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, ~~((it))~~ the contractor shall request, in writing, that the appropriate director or his or her designee review such determination. The contractor shall send the request ~~((shall be forwarded))~~ to the ~~((director, audit division:))~~ office of contracts management if the challenge pertains to audit findings (adjusting journal entries or AJEs) or other audit matters ~~((, or to the director, bureau of nursing home affairs (director, BNHA)))~~. For other matters (such as rates, desk reviews, and settlements), the contractor shall send the request to the director, residential rates and licensure services (director, RRLS). The ~~((request shall be signed by the))~~ contractor or the licensed administrator of the facility((-)) shall:

- (a) Sign the request,
- (b) Identify the challenged determination and the date thereof, and ~~((shall))~~

(c) State as specifically as practicable the issues and regulations involved and the grounds for its contention that the determination is erroneous. The contractor shall include with the request copies of any documentation ((on which)) the contractor intends to rely on to support ((is)) its position ((shall be included with the request)).

(2) After receiving a timely request meeting the criteria of this section, the department ~~((will))~~ shall contact the contractor to schedule a conference for the earliest mutually convenient time. The department shall schedule the conference ~~((shall be scheduled))~~ for no earlier than fourteen days after the contractor was notified of the conference and no later than ninety days after a properly completed request is received, unless both parties agree in writing to a specific later date. The conference may be conducted by telephone unless either the department or the contractor requests, in writing ~~((that))~~, the conference be held in person.

(3) The contractor and appropriate representatives of the department shall participate in the conference. In addition, representatives selected by the contractor may participate. The contractor shall bring to the conference, or provide to the department in advance of the conference ~~((:))~~:

(a) Any documentation requested by the department which the contractor is required to maintain for audit purposes pursuant to WAC 388-96-113, and

(b) Any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, the parties shall schedule a second session of the conference ((shall be scheduled)) for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) Regardless of whether agreement has been reached at the conference, the director of residential rates and licensure services or designee or the director of the office of nursing home audit or designee shall furnish a written decision ((by the appropriate director or his or her designee will be furnished)) to the contractor within sixty days after the conclusion of the conference.

(5) A contractor ~~((who is))~~, aggrieved by a decision of the director, may appeal the decision in an administrative hearing.

(a) A contractor ~~((who desires))~~ desiring an administrative hearing shall file a written request for a hearing with the department's Office of Hearings ~~((mailing address:))~~ P.O. Box 2465, Olympia, ~~((WA))~~ Washington 98504((-)). The contractor shall file the request for hearing ~~((must be filed))~~ within thirty days of the date the contractor received the decision of the director that he or she desires to appeal((-);

(b) Attach a copy of the director's decision being appealed ~~((must be attached))~~ to the request for hearing ~~((The request shall be signed by the contractor or))~~,

(c) Sign the request or have the licensed administrator of the facility sign it, ~~((and shall))~~

(d) State as specifically as practicable the issue or issues and regulation or regulations involved, ~~((and))~~

(e) State the grounds for contending the director's decision is erroneous((-), and

(f) Include copies of any documentation on which the contractor intends to rely to support its position ~~((shall be included))~~ with the request.

~~((b))~~ (g) Sections of chapter 388-08 WAC not conflicting with this section shall apply to a hearing requested under WAC 388-96-904(5).

**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 87-22-001

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 87-14—Filed October 22, 1987]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to learning assistance program, chapter 392-162 WAC.

This action is taken pursuant to Notice No. WSR 87-17-039 filed with the code reviser on August 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 pursuant to chapter 478, Laws of 1987, 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 September 24, 1987.

By Frank B. Brouillet  
Superintendent of Public Instruction

Chapter 392-162 WAC  
SPECIAL SERVICE PROGRAM—~~((REMEDIA-  
TION))~~ LEARNING ASSISTANCE

AMENDATORY SECTION (Amending Order 84-21,  
filed 6/28/84)

WAC 392-162-005 AUTHORITY. The authority for this chapter is ~~((RCW 28A.41.408))~~ chapter 478, Laws of 1987 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a program designed to provide ~~((remediation))~~ learning assistance to public school students in grades ~~((two))~~ kindergarten through ~~((six))~~ nine who are deficient in basic skills achievement.

AMENDATORY SECTION (Amending Order 84-21,  
filed 6/28/84)

WAC 392-162-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the administration of and to ensure district compliance with state requirements for a program designed to provide ~~((remediation))~~ learning assistance to public school students in grades ~~((two))~~ kindergarten through ~~((six))~~ nine who are deficient in basic skills achievement.

AMENDATORY SECTION (Amending Order 84-21,  
filed 6/28/84)

WAC 392-162-015 DEFINITION—BASIC SKILLS. As used in this chapter, the term "basic skills" means reading, mathematics, ~~((and))~~ language arts, and readiness activities associated with such skills.

AMENDATORY SECTION (Amending Order 84-21,  
filed 6/28/84)

WAC 392-162-020 DEFINITION—~~((REMEDIA-  
TION))~~ LEARNING ASSISTANCE PROGRAM. As used in this chapter, the term "~~((remediation))~~ learning assistance program" ~~((shall))~~ means ~~((the same as "program of remediation" in RCW 28A.41.402 — namely, "assistance in the remediation of basic skills deficiencies provided to five students or less per session by a person appropriately trained for that purpose acting~~

~~under the direct supervision and control of a person certified pursuant to chapter 28A.67 RCW." (See RCW 28A.67.010 which requires qualified teachers to hold a valid teacher's certificate or permit.))~~ a state-wide program designed to enhance educational opportunities for public school students in grades kindergarten through nine who are deficient in basic skills achievement.

AMENDATORY SECTION (Amending Order 84-21,  
filed 6/28/84)

WAC 392-162-025 DEFINITION—~~((DIRECT SUPERVISION AND CONTROL))~~ OBJECTIVE MEASURES. As used in this chapter, the term "~~((direct supervision and control))~~ objective measures" ~~((shall))~~ means ~~((supervision of the content and method of instruction, evaluation of the effectiveness of the instruction, and such additional control as is necessary to direct the instructional program in order to provide an opportunity for student achievement))~~ using a written or oral testing instrument that can be applied uniformly and consistently to determine in a comparable manner the educational achievement level of children.

AMENDATORY SECTION (Amending Order 84-21,  
filed 6/28/84)

WAC 392-162-030 DEFINITION—~~((EDUCATIONALLY DEPRIVED))~~ ELIGIBLE STUDENTS. As used in this chapter, the term "~~((educationally deprived))~~ eligible students" ~~((shall))~~ means educationally deprived students in grades kindergarten through nine whose educational attainment in basic skills achievement, as documented by placement testing, is below the level that is appropriate for the student's chronological/grade level.

NEW SECTION

WAC 392-162-032 DEFINITION—PARTICIPATING STUDENTS. As used in this chapter, the term "participating students" means eligible students in grades kindergarten through nine as determined by the district needs assessment and placement testing, and selected in accordance with this chapter to receive services in the learning assistance program.

AMENDATORY SECTION (Amending Order 84-21,  
filed 6/28/84)

WAC 392-162-035 DEFINITION—~~((SUPPLEMENTARY))~~ ADDITIONAL/SUPPLEMENTAL SERVICES ~~((DESIGNED TO MEET THE SPECIAL EDUCATIONAL NEEDS OF PARTICIPATING STUDENTS))~~. As used in this chapter, the term "~~((supplementary))~~ additional/supplemental services" ~~((designed to meet the special educational needs of participating students" shall))~~ means(:

- (1) A program of remediation; and
- (2) Support services consisting of supervision, materials and supplies, and the training of administrators;

~~teachers, aids, and tutors)) a program of learning assistance in addition to the required basic education instruction, designed to improve the educational performance of students selected under WAC 392-162-080.~~

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-040 DEFINITION—PLACEMENT ((TEST)) TESTING. As used in this chapter, the term "placement ((test)) testing" ((shall)) means ((an)) the administration of objective ((test(s) administered)) measures by a school district for the purposes of diagnosing the basic skills achievement levels ((and remediation)), determining the basic skills areas of greatest need, and establishing the learning assistance needs of individual students.

#### NEW SECTION

WAC 392-162-042 DEFINITION—PROGRAM OPTIONS. As used in this chapter, the term "program options" means any of a broad range of instructional models that describe the locations and methods chosen by a school district for the delivery of learning assistance program additional/supplemental instructional and/or support services.

#### NEW SECTION

WAC 392-162-044 DEFINITION—PROGRAM PLAN. As used in this chapter, the term "program plan" means a plan for the learning assistance program developed biennially, in consultation with the district advisory committee based on data generated by the district needs assessment.

AMENDATORY SECTION (Amending Order 84-47, filed 10/2/84)

WAC 392-162-045 DEFINITION—((LIKE SERVICES)) APPROVED PROGRAM. As used in this chapter, the term "((like services)) approved program" ((shall)) means ((the same as "like needs" specified in RCW 28A.41.406 — namely, programs conducted pursuant to chapter 28A.13 RCW which provide services designed to meet the special educational needs of participating students. However, the term "like services" does not include communication disorder or physical or occupational therapy services if the student is receiving no other special education instruction)) a program meeting the requirements of this chapter and conducted pursuant to the plan submitted by a district and approved by the superintendent of public instruction in accordance with WAC 392-162-075.

#### NEW SECTION

WAC 392-162-047 DEFINITION—BASIC SKILLS TEST. As used in this chapter, the term "basic skills tests" means state-wide tests at the fourth and eighth grade levels established pursuant to RCW 28A.03.360.

#### NEW SECTION

WAC 392-162-049 DEFINITION—NEEDS ASSESSMENT. As used in this chapter, the term, "needs assessment" means an analysis of the educational needs of students in grades kindergarten through nine as described in WAC 392-162-067: PROVIDED, That an existing district needs assessment that meets the requirements of WAC 392-162-067 may be used.

#### NEW SECTION

WAC 392-162-052 DEFINITION—INDIRECT EXPENDITURES. As used in this chapter, the term "indirect expenditures" is as defined in the accounting manual glossary of terms—i.e., "those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs. . . . accumulated in the accounting system under Program 94 or Program 97."

#### NEW SECTION

WAC 392-162-053 DEFINITION—DIRECT EXPENDITURES. As used in this chapter, the term "direct expenditures" means that part of program-allowed total expenditures that appear on the program-approved budget matrix under allowed combinations of activities and objects of expenditures.

#### NEW SECTION

WAC 392-162-057 DEFINITION—ADVISORY COMMITTEE. As used in this chapter, the term "advisory committee" means a consultant group with membership including, but not limited to, representatives of the following groups: Parents—including parents of students served by program—teachers, principals, administrators, and school directors: PROVIDED, That an existing advisory committee that meets the requirements of this section may serve as the learning assistance program advisory committee.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-060 DISTRICT APPLICATION. Each district that seeks an allocation from the state for a ((remediation)) learning assistance program shall submit ((an annual)) a biennial application, including the district program plan outlined in WAC 392-162-070, and an annual expenditure plan for approval on forms provided by the superintendent of public instruction ((for approval)): PROVIDED, That if district program plan elements described in WAC 392-162-070 are changed for the second year of the biennium, an updated program plan shall be submitted to the superintendent of public instruction for approval on forms provided.

#### NEW SECTION

WAC 392-162-062 MID-YEAR PROGRAM PLAN REVISION. A district may make a change during the school year in the program plan required under WAC 392-162-070 if such change is made after consultation with the advisory committee and is submitted

to the superintendent of public instruction on forms provided for that purpose.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-065 SCHOOL BOARD APPROVAL. The district's ~~((annual))~~ biennial application which specifies the learning assistance program plan shall be approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-162-067 PROGRAM REQUIREMENT—NEEDS ASSESSMENT. Each district that seeks an allocation from the state for a learning assistance program shall conduct a needs assessment at least biennially. The needs assessment shall include:

(1) Use of objective measures to assess and identify those students in grades kindergarten through nine who are below grade level in the basic skills areas of readiness, reading, math, and language arts with special emphasis on the needs of students in the early grades.

(2) Review and use of current performance achievement data such as: State-wide basic skills test, chapter 1 assessments, self-study data, and other academic progress results.

(3) Review of district basic education and district special needs programs to identify strategies for coordinating the learning assistance program with such programs and services.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-070 ~~((CONTENT OF))~~ PROGRAM REQUIREMENT—DISTRICT ((APPLICATION)) PROGRAM PLAN. ~~((The))~~ Each district((s annual application)) shall ((contain the following)) biennially develop and/or update a program plan for the learning assistance program in consultation with the advisory committee using data generated by the district's needs assessment. Such program plan shall include:

(1) ~~((Planned expenditures by program activity and object;~~

(2) Instructional program description which describes the supplementary services designed to meet the special educational needs of the participating students;

(3) ~~Amount of total expenditures planned for Chapter 1 Regular attendance areas (i.e., eligible buildings) as defined in WAC 392-163-230;~~

(4) ~~Amount of total expenditures planned to support nationally validated program models, if any; and~~

(5) ~~An assurance that no less than fifty percent of the state moneys for a remediation assistance program shall be expended in buildings determined eligible to receive Chapter 1 Regular moneys pursuant to WAC 392-163-300))~~ The means which the district will use to identify participating students to receive additional/supplemental services or support under the proposed program;

(2) A program description which shall include as a minimum, buildings served, number of students served,

grade levels served, and program option(s) and instructional staff selected to provide services to students;

(3) An annual expenditure plan detailing specific services and activities funded under this chapter;

(4) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and for reporting results of such evaluation to the superintendent of public instruction;

(5) Procedures for recordkeeping and program documentation required by the superintendent of public instruction; and

(6) Approval of the local school district board of directors.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-075 PROGRAM APPROVAL. The superintendent of public instruction shall review and approve each district's application which contains the information ~~((in this section))~~ required by WAC 392-162-070. A district's learning assistance program shall not be implemented prior to application approval.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-080 PROGRAM REQUIREMENT—SELECTION OF STUDENTS. ~~((A))~~ Students selected to participate in the ((remediation)) learning assistance program shall ((meet the following requirements)) be limited to those who:

(1) ~~((The student is))~~ Are enrolled in ((any)) grades ((two)) kindergarten through ((six)) nine;

(2) ~~((The student is educationally deprived))~~ Are performing below grade level;

(3) ~~((The student has))~~ Have been selected ((through a placement test; and)) using objective measures; and

(4) ~~((The student is not receiving like services.))~~ Have been determined to have the greatest academic deficits and are not receiving services in the same basic skills area from another special service program.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-085 PROGRAM REQUIREMENT—((MAXIMUM NUMBER OF STUDENTS)) CONSULTATION WITH THE ADVISORY COMMITTEE. The ~~((total number of students (i.e., headcount) served in the remediation assistance program in one or more of the basic skill areas with state funds shall not exceed the total number of eligible students calculated per WAC 392-122-605 (2)(a). For each student served in excess of this number, the amount per pupil allocated by the state shall be recovered))~~ school district staff responsible for the administration of the learning assistance shall consult with the learning assistance program advisory committee in the planning, implementation and evaluation of the learning assistance program.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-090 PROGRAM REQUIREMENT—NOTIFICATION OF PARENTS. Each district shall notify parents of ~~((participating students of the involvement))~~ the participation of their child in the ~~((remediation))~~ learning assistance program.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-095 PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURES. ~~((State remediation assistance program revenue shall be expended only in the allowable objects of expenditure, except capital outlay, in activities 21, 22, and 27 in Program 55, Remediation, State, Accounting Manual. If a district incurs an expenditure with state moneys for a remediation assistance program in a nonallowable object(s) or activity(ies), the amount of such nonallowable expenditure shall be recovered by the superintendent of public instruction after the end of the school fiscal year.))~~ Only allowed expenditures shall be reimbursed by the superintendent of public instruction. Allowed expenditures shall include direct and indirect expenditures included on the approved program budget: PROVIDED, That beginning September 1, 1987, the allowed indirect expenditure rate for each school district shall not exceed the rate calculated for Program 55 "Remediation" for the 1985-86 fiscal year on each school district's F-196 Part III Report: PROVIDED FURTHER, That beginning September 1, 1988, the indirect expenditure rate for each school district shall not exceed the rate calculated for Program 55 "Remediation" for the 1986-87 fiscal year using the federal restrictive rate methodology.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-100 PROGRAM ~~((REQUIREMENT—FIFTY PERCENT IN CHAPTER 1 REGULAR BUILDINGS—RECOVERY OF MONEYS))~~ COORDINATION. ~~((Not less than fifty percent of state moneys provided for a remediation assistance program shall be expended by a district in attendance areas (i.e., eligible buildings) determined eligible to receive Chapter 1 Regular moneys pursuant to WAC 392-163-230. If a district incurs expenditures for more than fifty percent of such moneys in noneligible attendance areas (i.e., buildings), the amount above fifty percent shall be recovered by the superintendent of public instruction after the end of the school fiscal year.))~~ School districts may coordinate federal, state, and local programs in order to serve the maximum number of students who are below grade level in basic skills. Students receiving assistance in another special needs program may also be served in the learning assistance program if they meet student eligibility and selection requirements under this chapter.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-105 PROGRAM REQUIREMENT—PROGRAM EVALUATION. The ~~((Title I))~~ Chapter 1 Evaluation and Reporting System ~~((THERS))~~ CHIERS shall be used annually by districts to evaluate the educational achievement of students in grades two through nine receiving recommended services in the ~~((remediation))~~ learning assistance program. ~~((The data))~~ Students in kindergarten and grade one shall be evaluated annually using objective measures selected by the school district. Evaluation results shall be reported annually to the superintendent of public instruction on provided forms.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-110 PROGRAM REQUIREMENT—END OF YEAR REPORT. Districts shall submit to the superintendent of public instruction at the close of the fiscal year an end of the year report on forms provided by the superintendent of public instruction ~~((which))~~. The report shall include ~~((s))~~ number of students served by grade level, basic skills area, ethnicity, and gender and other information which may be required by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-115 MONITORING OF DISTRICTS. In order to insure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor district programs no less than once every three years by using sampling procedures.

**WSR 87-22-002****EMERGENCY RULES****DEPARTMENT OF AGRICULTURE  
(Noxious Weed Control Board)**

[Order 20, Resolution No. 20—Filed October 23, 1987]

Be it resolved by the State Noxious Weed Control Board, acting at Ellensburg, Washington, that it does adopt the annexed rules relating to the state noxious weed list and a schedule of monetary penalties, amending chapter 16-750 WAC.

We, the State Noxious Weed Control Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is statutory changes contained in chapter 438, Laws of 1987, necessitate the immediate amendment of this chapter in order to avoid interruptions in local noxious weed control programs.

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

This rule is promulgated pursuant to RCW 17.10.080, as amended by sections 8 and 28, chapter 438, Laws of 1987, 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 October 23, 1987.

By Robert O. Rebhan  
for Art Losey  
Chairperson Pro tem

Chapter 16-750 WAC

STATE NOXIOUS WEED CONTROL BOARD ((=  
~~PROPOSED NOXIOUS WEED LIST~~))

AMENDATORY SECTION (Amending Order 18,  
Resolution No. 18, filed 2/11/87)

WAC 16-750-010 ((~~PROPOSED~~)) STATE NOXIOUS WEED LIST. In accordance with RCW 17.10-080 as amended by section 8, chapter 438, laws of 1987, a ((proposed)) state noxious weed list comprising the names of those plants which the state noxious weed control board finds when established to be ((injurious to crops, livestock, or other property)) highly destructive, competitive, or difficult to control by cultural or chemical practices is hereby adopted as follows:

Class C noxious weeds:

English or common name	Botanical or scientific name
Austrian fieldcress	Rorippa austriaca
Austrian peaweed	Sphaerophysa salsula
Baby's Breath	Gypsophila paniculata
Bindweed, field	Convolvulus arvensis
Bindweed, hedge	Convolvulus sepium
Black Henbane	Hyoscyamus niger
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western	Pteridium aquilinum
Camelthorn	Alhagi camelorum
Canada Thistle	Cirsium arvense
Dalmation Toadflax	Linaria dalmatica
Gorse	Ulex europaeus
Hairy whitetop	Cardaria pubescens
Hoary Cress or White Top	Cardaria draba
Hydrilla	Hydrilla verticillata
Johnsongrass	Sorghum halepense
Leafy Spurge	Euphorbia esula
Mullein, common	Verbascum thapsus
Nightshade, bitter	Solanum dulcamara
Nightshade, silverleaf	Solanum elaeagnifolium
Nutsedge, yellow	Cyperus esculentus
Oxeye Daisy	Chrysanthemum leucanthemum
Pepperweed, perennial	Lepidium latifolium
Quackgrass	Agropyron repens
Rush Skeletonweed	Chondrilla juncea
St. Johnswort	Hypericum perforatum
Scotch Broom	Cytisus scoparius
Sowthistle, perennial	Sonchus arvensis

English or common name	Botanical or scientific name
Tansy, common	Tanacetum vulgare
Waterhemlock, western	Cicuta douglasii
Watermilfoil, Eurasian	Myriophyllum spicatum
Wormwood, Absinthe	Artemisia absinthium
Yellow Toadflax	Linaria vulgaris
Bull Thistle	Cirsium vulgare
Houndstongue	Cynoglossum officinale
Musk Thistle	Carduus nutans L.
Plumless Thistle	Carduus acanthoides
Poison Hemlock	Conium maculatum
Scotch Thistle	Onopordum acanthium
Tansy Ragwort	Senecio jacobaea
Wild carrot or Queen Annes lace	Daucus carota
Cocklebur	Xanthium spp.
Dodder	Cuscuta spp.
Goatgrass, jointed	Aegilops cylindrica
Kochia	Kochia scoparia
Medusahead	Taeniatherum asperum
Puncturevine	Tribulus terrestris
Rye	Secale cereale L.
Sandbur, longspine	Cenchrus longispinus
Orange Hawkweed	Hieracium aurantiacum L.
Yellow Hawkweed	Hieracium pratense
Dyers woad	Isatis tinctoria
Knapweed, black	Centaurea nigra
Knapweed, brown	Centaurea jacea
Knapweed, diffuse	Centaurea diffusa
Knapweed, meadow	Centaurea pratensis
Knapweed, russian	Centaurea repens
Knapweed, spotted	Centaurea maculosa
Knapweed, short fringed	Centaurea nigrescens
Yellow Starthistle	Centaurea solstitialis

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 16-750-900 NOXIOUS WEEDS—CIVIL INFRACTIONS—SCHEDULE OF MONETARY PENALTIES. Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with chapter 17.10 RCW and the rules and regulations in force pursuant thereto shall be assessed as follows:

- (a) Any class A noxious weed:
  - 1st offense within five (5) years \$ 750
  - 2nd and any subsequent offense 1,000
- (b) Any class B noxious weed that has been designated for control in the noxious weed control region in which the land lies:
  - 1st offense within five (5) years \$ 500
  - 2nd offense 750
  - 3rd and any subsequent offense 1,000

(c) Any class B noxious weed that has not been designated for control in the noxious weed control region in which the land lies; or any class C noxious weed:

1st offense within five (5) years	\$ 250
2nd offense	500
3rd offense	750
4th and any subsequent offense	1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 shall be assessed as follows:

1st offense within five (5) years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

1st offense within five (5) years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

### WSR 87-22-003

#### EMERGENCY RULES

#### THE EVERGREEN STATE COLLEGE

[Order 87-3, Resolution No. 87-30—Filed October 23, 1987]

Be it resolved by the board of trustees of The Evergreen State College, acting at The Evergreen State College Board Room, that it does repeal the annexed rules relating to equal opportunity and affirmative action, chapters 174-12, 174-109 and 174-148 WAC; regular and special meetings of the board of trustees, chapter 174-104 WAC; staff educational benefits, WAC 174-112-010 to 174-112-030; release of personnel information, WAC 174-112-070 to 174-112-090; governance and decision making at TESC, WAC 174-108-010 to 174-108-08001; and social contract, chapter 174-124 WAC.

We, The Evergreen State College Board of Trustees, 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 generally, these rules are inconsistent with state law, case law and college policy. Specifically, the Human Rights Commission (chapter 49.74 RCW), and the Higher Education Personnel Board (RCW 28B.16.100; chapter 251-23 WAC) regulate affirmative action by state agencies.

Existing regulations fail to take into account the fact that the board membership was raised to seven in 1985. RCW 28B.40.100 Furthermore, the college is not required to have WACs regarding regular and special

meetings of the board of trustees. According to RCW 42.30.070, "the governing body of the public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body." The board bylaws already repeat what is already WAC'd. Furthermore, state law governs the notice requirements for a special meeting. RCW 42.30.080 Only two of the five public four-year institutions have adopted WACs concerning this subject (WAC 106-0-001 [106-08-001] (CWU); 516-04-010 (WWU)).

The WACs reflect a 1972 policy which was replaced by the board in September 1981 by adoption of an EAC 112-010 as well as by RCW 28B.15.535 (Waiver of tuition and fees for full-time employees—Conditions—Guidelines) passed in 1979.

These regulations concern internal handling of personnel records and release of personnel information. Since these rules were adopted in 1972, the State Supreme Court has ruled that "an agency's promise of confidentiality or privacy is not adequate to establish the nondisclosability of information; promises cannot override the requirements of the disclosure law." Hearst Corp. v. Hoppe 90 Wn.2d 123, 137, 580 P.2d 246 (1978) Therefore, the disclosability of information as governed by the State Open Public Records Act, chapter 42.17 RCW. Beyond this, Human Rights Commission regulations also regulate the disclosability of certain information. See WAC 162-12-180.

In July 1983 the board repealed that section and replaced it with WAC 174-107-210 to 174-107-550. However, that repeal was not filed with the code reviser's office nor adopted on a permanent basis in accord with the Higher Education Administrative Procedure Act, chapter 28B.19 RCW.

Chapter 174-124 WAC was repealed by the board in July 1983, and replaced by WAC 174-107-100 through 174-107-200. However, that repeal was neither filed with the code reviser nor adopted on a permanent basis and was, therefore, ineffective.

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 Evergreen State College Board of Trustees as authorized in RCW 28B.40.120(12), as amended in 1985.

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 Monday, October 19, 1987.

By David Tang  
TESC Board of Trustees

**WSR 87-22-004**  
**PROPOSED RULES**  
**HOSPITAL COMMISSION**  
 [Filed October 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges, and changes therein, WAC 261-40-150.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 19, 1987, at 9:00 a.m. at the West Coast Sea-Tac Hotel in the Seattle Room.

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is RCW 70.39.140.

This notice is connected to and continues the matter in Notice No. WSR 87-20-048 filed with the code reviser's office on October 2, 1987.

Dated: October 23, 1987

By: Maurice A. Click  
 Executive Director

**WSR 87-22-005**  
**ADOPTED RULES**  
**HOSPITAL COMMISSION**  
 [Order 87-03, Resolution No. 87-03—Filed October 23, 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 public records, amending chapter 261-06 WAC.

This action is taken pursuant to Notice No. WSR 87-16-012 filed with the code reviser on July 24, 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 42.17.250 through 42.17.340 and 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 October 22, 1987.

By Maurice A. Click  
 Executive Director

**AMENDATORY SECTION** (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-06-070 INSPECTION AND COPYING. (1) No fee shall be charged for the inspection of

public records. The commission shall charge a fee of ten cents per page of copy, plus postage, if any, for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

(2) The charge for manuals and manual revisions shall be the cost to the commission for printing and mailing.

(3) The charge for computer-generated reports, tapes, or other media shall be the cost to the commission for producing and mailing.

**AMENDATORY SECTION** (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-06-080 EXEMPTIONS. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 261-02-060 is exempt under the provisions of RCW 42.17.310 and 70.39.110.

(2) In addition, pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for withholding the record and a brief explanation of how the exemption applies to the record withheld.

**AMENDATORY SECTION** (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-06-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the executive director of the commission. The executive director may request that a special meeting of the commission be called as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the ((original denial)) receipt of the petition for review.

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following ((denial of inspection)) receipt of the petition for review, whichever occurs first.



AMENDATORY SECTION (Amending Order 73-01, filed 1/11/74)

WAC 261-06-110 RECORDS INDEX. (1) ~~((The commission has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:~~

~~(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;~~

~~(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the commission;~~

~~(c) Administrative staff manuals and instructions to staff that affect a member of the public;~~

~~(d) Planning policies and goals, and interim and final planning decisions;~~

~~(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and~~

~~(f) Correspondence, and materials referred to therein, by and with the commission relating to any regulatory, supervisory or enforcement responsibilities of the commission whereby the commission determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.)) As a result of the commission's responsibility to regulate the rates of Washington hospitals, the commission has generated and continues to generate an extremely high volume of records. These records include many categories of budget-related documents for each of the approximately one hundred hospitals subject to the commission's regulatory authority; massive data bases for various aspects of hospital rate regulation; and many other related documents necessarily generated by the commission's performance of its statutory functions. Due to the high volume of such records as well as their technical and diverse nature, the commission finds that it would be unduly burdensome and would interfere with commission operations to maintain an index of records as specified in RCW 42.17.260 (2)(a) through (f). The maintenance of such an index would substantially reduce the commission staff's availability to assist the commission in the discharge of its substantive regulatory duties.~~

~~(2) ((The current index promulgated by the commission)) The commission has promulgated a general index of commission records. This index shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.~~

## WSR 87-22-006

## ADOPTED RULES

## DEPARTMENT OF ECOLOGY

[Order 87-36—Filed October 23, 1987]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Agency Headquarters in Lacey, Washington, the annexed rules relating to certification of operators of wastewater treatment plants, chapter 173-230 WAC.

This action is taken pursuant to Notice No. WSR 87-19-014 filed with the code reviser on September 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 RCW 70.95B-.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 October 23, 1987.

By Phillip C. Johnson  
Deputy Director for Programs

AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-010 GENERAL. One of the basic requirements of the Wastewater Treatment Plant Operator Certification Act of 1973 (chapter 139, Laws of 1973) (chapter 70.95B RCW) is to have every operator in responsible charge of a wastewater treatment plant certified ~~((in a class))~~ at a level equal to or higher than the ~~((class))~~ classification rating of ~~((his))~~ the treatment plant being operated. Certification under this act is available to all ~~((operators))~~ individuals who can meet the minimum qualifications ~~((of))~~ for a given classification. ~~((Each operator is encouraged to apply for certification in the highest classification consistent with his qualifications.))~~ Operating personnel not required to be certified by chapter 70.95B RCW are encouraged to become certified on a voluntary basis.

AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-020 DEFINITIONS. (1) ~~(("Director" means the director of the department of ecology.~~

~~(2) "Department" means the department of ecology.~~

~~(3) "Board" means the water and wastewater operators certification board of examiners established by RCW 70.95B.070.~~

~~(4) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.~~

~~(5) "Wastewater treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of~~

~~domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.~~

~~(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is performing work in the actual operation of a wastewater treatment plant.~~

~~(7) "Responsible charge" means the position held by an operator working on site at a wastewater treatment plant, including weekends, holidays, and shifts, where appropriate, who is in direct charge and is responsible for the operation of the plant or segment thereof. Responsible charge can, but is not required to, include supervisory responsibility over other employees. Responsible charge time may be accrued by the operator in charge of a shift, working alone as the only operator on duty, or when assigned as operator in charge in the absence of the designated operator in charge.) "Board" means the water and wastewater operators certification board of examiners established by RCW 70.95B.070.~~

~~(2) "Certificate" means the certificate of competency issued by the director stating that an individual has met the requirements for a specific classification in the wastewater treatment plant operator's certification program.~~

~~(3) "Certificate holder" means the individual to whom a certificate is issued.~~

~~(4) "CEU" means continuing education unit which is a nationally recognized unit of measurement similar to college credit. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.~~

~~(5) "College" means credits earned toward a college degree or in course work that is relevant to the operation of a wastewater treatment plant. College shall also mean CEUs. Forty-five CEUs equals forty-five quarter credits equals thirty semester credits.~~

~~(6) "Department" means the Washington state department of ecology.~~

~~(7) "Director" means the director of the department of ecology or the director's designee.~~

~~(8) "GED" means a General Education Development certificate issued by a recognized education institution. A GED is equivalent to a high school diploma.~~

~~(9) "Group and class" for the purpose of operator certification and wastewater treatment plant classification shall mean the same.~~

~~(10) "OIT" means operator-in-training. This is the entry level certification classification offered by the department.~~

~~(11) "Operating experience" means the routine performance of duties, on-site in a wastewater treatment plant, that affect plant performance and/or effluent quality.~~

~~(12) "Operator" means an individual who performs routine duties on-site at a wastewater treatment plant which affect plant performance and/or effluent quality.~~

(13) "Operator in charge of each shift" means the individual on-site at a wastewater treatment plant whose primary responsibility is to operate the wastewater treatment plant on a regularly run shift. The operator in charge of each shift shall be subordinate to the operator in responsible charge.

(14) "Operator in responsible charge" means the individual who is routinely on-site and in direct charge of the overall operation of a wastewater treatment plant.

(15) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

(16) "Reciprocity" means the exchange of a valid out-of-state wastewater treatment plant operator's certificate achieved by passing a written examination for an equivalent level of certification without further examination.

(17) "Wastewater certification program coordinator" means an employee of the department who is appointed by the director to serve on the board and who administers the wastewater treatment plant operator certification program.

(18) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used to collect and transport wastewater.

(19) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

#### AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

#### WAC 173-230-030 DUTIES OF THE BOARD.

(1) Recommend to the director the classification of wastewater treatment plants ((and maintain records thereof)) when a plant handles a unique treatment process or complex waste that is not reflected in the wastewater treatment plant classification system set forth in WAC 173-230-140.

(2) Develop operator qualification standards consistent with the wastewater treatment plant classification system and examine the qualifications of applicants for certification.

(3) Assist in the development of rules and regulations; prepare, administer and evaluate examinations ((of)) used to measure an operator's ((competency as required by law, and)) qualifications for certification. Recommend to the director the issuance or revocation of certificates.

(4) Encourage ~~((to become certified))~~ operating personnel other than those who are required to be certified ~~((by the virtue of their responsibility as operator in charge))~~ in RCW 70.95B.030 to become certified on a voluntary basis.

(5) Maintain records of operator qualifications, certifications, and a register of certified operators.

AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-040 CERTIFICATION REQUIRED. (1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a wastewater treatment plant unless the operator designated by the owner in responsible charge of ~~((day-to-day operation of))~~ the plant holds a valid certificate ~~((issued by the director))~~ of at least the same classification as that of the wastewater treatment plant being operated. When a wastewater treatment plant is operated on more than one daily shift, the individual in charge of each regularly run shift at the wastewater treatment plant being operated shall also be certified.

(2) ~~((When))~~ After January 1, 1989, it shall be unlawful to operate a wastewater treatment plant ~~((is operated))~~ on more than one daily shift ~~((, including weekends or holidays,))~~ as described in subsection (1) of this section unless the operator in charge of each shift ~~((shall be))~~, as designated by the owner, is certified at a level not less than one class lower than the class of plant being operated. The operator in charge of each shift shall be subordinate to the operator in responsible charge of the plant who is certified at a level equal to or higher than the classification of the plant being operated.

(3) When a position required to be filled by a certified wastewater treatment plant operator as described herein is vacated due to a scheduled vacation or a short-term illness, these requirements may be waived temporarily at the director's discretion.

AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-050 CERTIFICATION PREREQUISITES. (1) Certificates shall be issued only upon application and only after payment of fees as required herein. Except as provided in WAC 173-230-050(2), certificates in appropriate classifications shall be issued to those who are eligible for examination pursuant to WAC 173-230-061 and only after successful completion of an examination as provided for in WAC 173-230-070.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to an operator who on July 1, 1973, held a certificate of competency attained by examination under the voluntary certification program sponsored jointly by the department of social and health services and the pacific northwest pollution control association.

(b) In appropriate classifications, to a person verified by the ~~((governing body or))~~ owner to have been the operator in responsible charge of a wastewater treatment plant on July 1, 1973. A certificate issued to any person under this subsection shall be known as a "provisional" certificate and shall be valid only for the plant of which he or she was the operator on July 1, 1973, and shall not be renewed if such plant thereafter has been or is significantly modified or if the operator terminates ~~((his))~~ service with that plant.

(c) In appropriate classifications, to persons who fill a vacated position required by RCW 70.95B.020 to ~~((have a))~~ be filled by a certified operator. A certificate issued under this subsection shall be known as a "temporary" certificate and shall be ~~((issued))~~ valid for a period of not more than twelve months from the date of issue and shall be nonrenewable. If a position is vacated by the holder of a temporary certificate issued under this subsection, no additional temporary certificate shall be issued ~~((to his replacement))~~.

AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-061 APPLICATIONS AND CERTIFICATION REQUIREMENTS. (1) Application for certification to the various classifications of wastewater treatment plant operator shall be filed with the ~~((secretary for wastewater treatment of the water and wastewater operator certification board))~~ wastewater certification program coordinator. The ~~((secretary))~~ wastewater certification program coordinator shall make application forms available upon request.

(2) Upon receipt of a completed application, the ~~((secretary))~~ wastewater certification program coordinator shall ~~((assemble all information needed and))~~ screen the application against the following criteria to determine eligibility for examination or reciprocal certification.

(3) Certification requirements: Applicants for ~~((examination or reciprocal))~~ certification ~~((to the various wastewater treatment operator classifications))~~ by examination or reciprocity must meet the ~~((following))~~ minimum education and operating experience requirements or equivalents set forth below:

<del>((Class))</del> Certification Classification	Education	Operating Experience	<del>((Responsible))</del> <del>((Charge Time))</del>
OIT	<del>((+2 years))</del> High School Diploma	3 months	<del>((None))</del>
Group I	<del>((+2 years))</del> High School Diploma	1 year	<del>((None))</del>
Group II	<del>((+2 years))</del> High School Diploma	3 years	<del>((None))</del>
Group III	<del>((+4 years))</del> High School Diploma plus two years college	4 years	<del>((2 years))</del>
Group IV	<del>((+6 years))</del> High School Diploma plus four years college	4 years	<del>((2 years))</del>

(a) Applicants for Group I certification may not substitute equivalent work experience or college for any portion of the operating experience requirement.

(b) At least half of the operating experience requirement for ((certification to a) Class II, III, or IV ((operator)) certification must be gained on-site, ((day-to-day experience. At least half of the responsible charge time requirement for certification to a Class III or IV operator must have been accrued on-site in a plant with a classification not less than one classification lower than the class of certification being applied for.

(4) Definitions and equivalents related to certification requirements:

(a) "College" means a college degree or course work that is relevant to the operation of a wastewater treatment plant, such as sanitary, chemical, civil, electrical, or mechanical engineering, chemistry, biology, pharmacy, mathematics, or any of the environmental sciences. College shall also mean continuing education units CEUs in courses relevant to the operation of a wastewater treatment plant.

(b) One year of college credit shall mean thirty semester hours or forty-five quarter hours or forty-five continuing education units CEUs.

(c) Continuing education unit, (CEU) means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact lecture hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction and qualified instruction. One CEU will also be awarded for twenty contact laboratory hours of training.

(d) Vocational experience shall mean work experience that is relevant to the operation of a wastewater treatment plant. Some related vocations are chemist, machinist, and electrician:

(5) Equivalent education:

(a) One year of operating experience may be substituted for one year of high school – four years maximum.

(b) One year of responsible charge time may be substituted for one year of college – one year maximum.

(6) Equivalent experience: College credit used as an equivalent for experience must be supported with a copy of college transcripts.

(a) Three CEUs relevant to the operation of a sewage treatment plant may be substituted for three months experience by an applicant for OIT.

(b) An applicant for Group I certification may not use an equivalent experience credit.

(c) An applicant for Group II certification may substitute up to one and one-half years of college for one and one-half years of experience.

(d) An applicant for Group III or IV certification may substitute up to two additional years of college for two years of experience.

(7) Equivalent responsible charge time: An applicant for Group III or IV may substitute one additional year of college for one year of responsible charge time.

(8) Equivalent experience: An applicant who does not satisfy the full amount of equivalent experience as specified under WAC 173-230-061 (3) or (6) may request the board to allow any of the following or similar work

experience to be credited toward the experience maximums set forth in WAC 173-230-061(3):

(a) Operation consultant equals 0 to 50 percent of time on duty.

(b) Wastewater collection or pump station operator or specialist equals 0 to 25 percent of time on duty.

(c) Water treatment plant operator equals 50 percent of time on duty.

(d) Water distribution and management equals 0 to 50 percent of time on duty.

(e) Sewage treatment plant process control and laboratory equals 100 percent of time on duty.

(f) Sewage treatment plant operation and pump station operation equals 100 percent of time on duty.

(g) Sewage treatment plant operation and incineration operation equals 100 percent of time on duty.)) in a wastewater treatment plant with a classification rating not less than one class lower than the class of certification desired.

(c) College claimed by an applicant for certification shall be credited toward the certification requirements only when documented on a transcript or a certificate of completion.

(4) Equivalent Education

(a) A GED is equivalent to a high school diploma.

(b) One year of excess operating experience may be substituted for one year of high school or two years of grade school – no limit.

(c) Applicants for Group III and IV certification may substitute one year of excess operating experience for one year of college for up to half of the college requirement.

Note: Operating experience substituted for an education requirement may not also be applied to the operating experience requirement.

(5) Equivalent Operating Experience

(a) OIT applicants may substitute three CEUs or equivalent for the operating experience requirement provided the CEUs are earned upon completion of coursework in wastewater treatment plant operation.

(b) Applicants for Group II certification may substitute up to one and one-half years of college for one and one-half years of the operating experience requirement.

(c) Applicants for Group III and IV certification may substitute up to two years of excess college for two years of the operating experience requirement.

(d) Applicants may substitute work experience in the fields identified below for up to half of the operating experience requirement for Group II, III, and IV certification at a rate determined by the board:

- Experience as an environmental or operations consultant.
- Experience in an environmental or engineering branch of federal, state, county, or local government.
- Experience as a wastewater collection system operator.
- Experience as a water distribution system operator and/or manager.
- Experience as a wastewater pump station operator.
- Experience as a water treatment plant operator.

The board may also consider work experience in fields such as building and equipment maintenance, boiler operation, machinist, laboratory technician, engineering, welding, or other related fields on a case-by-case basis

when presented with a written description of the duties performed on the job by the applicant for certification.

Note: College substituted for an operating experience requirement cannot also be applied to the education requirement.

#### (6) Exemptions

In the event an applicant for Group III or IV certification cannot meet the minimum college education requirements or equivalents set forth in subsections (3), (4), and (5) of this section, the board shall consider the applicants eligibility for certification using the following substitution formula:

- After providing verification of a high school diploma or GED, Group III and IV applicants may substitute three years of excess operating experience in a wastewater treatment plant with a classification rating not less than one classification lower than the level of certification desired, for one year of college - no limit.

~~((9))~~ (7) If no examination is required, the ((secretary)) wastewater certification program coordinator shall present the application to the board for consideration. The board shall make a recommendation to the director ((as required by WAC 173-230-070(6) or 173-230-110)) regarding the approval or denial of the request for certification.

~~((10))~~ (8) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

~~((11))~~ (9) If an examination is required, the ((secretary)) wastewater certification program coordinator shall notify, schedule, and examine all applicants for certification.

#### AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-070 EXAMINATION. (1) The board shall prepare written examinations to be used in determining the competency of operators.

(2) Examinations shall be held at least three times annually at places and times set by the board ((with advance announcements made by the board)). These examinations shall be held on the first Monday of February, June, and October each year. In the event the exam date falls on a holiday, the examination shall be rescheduled by the wastewater certification program coordinator.

(3) All examinations ((with)) shall be graded by the ((board or by others designated by the board,)) wastewater certification program coordinator and the applicant shall be notified of ((grade)) the score attained and pass or fail. Examinations ((with)) shall not be returned to the applicant.

(4) An applicant who fails to pass an examination may be reexamined at the next ((subsequent)) scheduled examination with no additional application or fee.

(5) An applicant who fails to pass a second examination as provided for in WAC 173-230-070(4) must reapply for further examination as provided for in WAC 173-230-090(2). ((The examination will not be administered until the second scheduled examination period following the date of the applicant's last examination.))

No individual will be allowed to retake the same examination more than twice consecutively. After two consecutive examinations, one examination period must be skipped.

(6) The board shall forward its recommendations for certification of those examined to the director.

#### AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-080 CERTIFICATE TERM AND RENEWALS. (1) Except as provided for in WAC 173-230-050 (2)(c), the term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty-first of December of the same year or the year designated by the department.

(2) Except as provided in WAC 173-230-050 (2)(c), all certificates shall be renewable ((annually)) upon presentation of ((satisfactory)) evidence that the ((operator)) certificate holder demonstrates continued professional growth in the field. The department shall mail renewal notices to all certificate holders eligible for renewal prior to the date the certificate expires.

(3) In order to demonstrate continued professional growth in the field, each ((certified operator)) certificate holder must accomplish one of the following ((three)) activities during a three-year period ending December 31, 1979, and ((im)) each three-year period thereafter.

(a) Accumulate a minimum of three ((relevant continuing education units CEUs, or three relevant college quarter-hour credits, or

(b) Advance in his level of wastewater certification by examination. Advancement from OIT to I does not fulfill this requirement, or

(c) Retake and satisfactorily pass the examination given by the board for the classification for which a renewable certificate is desired:)) CEUs or college credits in coursework relevant to the field;

(b) Advance by exam to a higher level of certification in Washington's wastewater treatment plant operator's certification program. Advancement from OIT to Group I certification shall not fulfill this requirement;

(c) Achieve certification by examination in the waterworks certification program administered by the Washington department of social and health services;

(d) Achieve certification by examination in a different classification of the waterworks certification program administered by DSHS as shown below:

- Water Distribution Manager (WDM) to Water Treatment Plant Operator (WTPO)
- WTPO to WDM
- Water Distribution Specialist (WDS) to WDM or WTPO
- Cross Connection Control Specialist (CCS) to WDM or WTPO or WDS;

(e) On or after January 1, 1989, achieve certification by examination or advance by examination to a higher level in Washington's voluntary wastewater collection system operator's certification program administered by the Washington Wastewater Collection System Personnel Association. Advancement from the in-training certification classification to the Level 1 classification shall not fulfill this requirement.

(4) It is the responsibility of each certificate holder to satisfy the continued professional growth requirement on or before December 31 of the last year of the three-year period described in subsection (3) of this section. The department shall mail a written notice to each certificate holder who has not fulfilled the continued professional growth requirement. If this requirement is not satisfied, the certificate shall not be renewable. Failure to renew a certificate for any reason shall be handled as described in WAC 173-230-100.

(5) On and after January 1, 1989, the department may collect renewal fees for a period not to exceed three calendar years. The department shall notify certificate holders who are eligible for renewal as described in subsection (2) of this section the amount of fees owed and the date by which the fees must be paid.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-090 FEES. (1) Except for applications for certificates under WAC 173-230-050 (2)(a), ((initial)) applications for certification by examination will be accepted for processing only when accompanied by ((an application)) a fee of ((ten)) twenty dollars. Applications for certification by reciprocity will be accepted for processing only when accompanied by a fee of forty dollars.

(2) Except as provided under WAC 173-230-070(4), applications for reexamination will be accepted for processing only when accompanied by an application fee of ((ten)) twenty dollars.

(3) In the event an application for certification is denied, the department may reimburse up to half the fee amount provided the department receives a written request for reimbursement within thirty days after the letter of denial is mailed.

(4) Applications for certificate renewals will be accepted for processing only when accompanied by a renewal fee of ((five)) ten dollars for each year of renewal.

((4)) (5) All receipts hereunder shall be paid into the state general fund.

AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-100 SUSPENSION AND REVOCATION. (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for ((thirty)) sixty days. If(;) renewal of the certificate is not completed during ((such)) the suspension period, ((renewal of the certificate is not completed;)) the director shall ((give)) mail a written notice of revocation to the certificate holder's employer as last known by the department and to the certificate holder((-and)) at the address last known by the department. This notice of revocation shall be sent by certified mail. If, during the revocation notice period, ((renewal of)) the certificate is not ((completed)) renewed, the certificate shall be revoked ten days after such notice is ((given)) mailed.

(2) Certificates may also be revoked when the board so recommends to the director, upon finding:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater treatment plant.

(c) Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department.

(3) No revocation shall be made under ((this)) subsection (2) of this section unless the operator has been notified that revocation is proposed, has been advised of the grounds therefor and has been given an opportunity to appear before the board and be heard on the matter.

(4) Whenever ((his)) an individual's certificate is revoked, the ((operator)) individual shall not be certified again until he or she has applied for certification ((as herein provided;)) pursuant to WAC 173-230-061 paid the ((initial)) application fee, and ((successfully completed)) passed the written examination ((provided for in WAC 173-230-070)) for the classification of certification desired.

(5) If revocation was made pursuant to subsection (2) ((above)) of this section, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final.

AMENDATORY SECTION (Amending Order DE 82-07, filed 4/16/82)

WAC 173-230-110 RECIPROCITY. ((The director shall accord an operator certified by another state reciprocal treatment, when in his judgment, and upon advice of the board, the certification requirements of such state are substantially equivalent to the requirements of this chapter. When such reciprocity is granted, the director shall so advise the operator. However, the term of such reciprocal approval shall be as provided in WAC 173-230-080 and the operator shall be subject to the same requirement of renewal as any operator initially certified in this state.)) The director may, with the approval of the board, waive examinations for applicants holding valid wastewater treatment plant operators certificates or licenses issued by other states having equivalent standards as determined by the board.

(1) Applications for reciprocity will be considered for approval only when the department receives written confirmation from the certifying authority of the state or province in which the applicant is certified, that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the board.

(2) The board shall review and compare out-of-state examinations with Washington's exams to determine at which level the exam is most equivalent.

(3) Certificates shall be issued to each reciprocity applicant who meets the minimum education and experience requirements set forth in WAC 173-230-061 and who passes a written examination comparable to Washington's exam as determined by the board and approved by the director.

**AMENDATORY SECTION** (Amending Order DE 78-16, filed 10/11/78)

RATING  
VALUE

WAC 173-230-140 CLASSIFICATION OF WASTEWATER TREATMENT PLANTS. Wastewater treatment plants are classified in four groups, according to the total point rating as derived from the items listed below. Assignment of points for wastewater treatment (~~works to the proper classification group with~~) plants shall be made by the director.

(1) PLANT CLASS:

- (a) Class I - 1 - 25 total points.
- (b) Class II - 26 - 50 total points.
- (c) Class III - 51 - 70 total points.
- (d) Class IV - 71 or more total points.

RATING  
VALUE

(2) DESIGN FLOW ..... 1 per 5 mgd, not to exceed 20 points  
(Example: ((~~1 to 5 mgd~~)) 5 mgd and less = 1 point; 5.1 to 10 mgd = 2 points, etc.)

(3) POPULATION EQUIVALENT (P.E.) ... 1 per 5,000 P.E., not to exceed 20 points  
$$\frac{PE = (\text{Flow, mgd}) (\text{BOD, mg/L})(8.34 \text{ lbs/gal})}{0.2 \text{ lbs BOD /person/day}}$$

(4) PRETREATMENT UNITS

- (a) Manually cleaned screens ..... 1
- (b) Mechanically cleaned screens ..... 2
- (c) Grit removal ..... 3
- (d) Preaeration ..... 1
- (e) Comminutor, barminutors, grinders, etc. .... 1
- (f) Plant pumping ..... 3

(5) PRIMARY TREATMENT UNITS

- (a) Imhoff tanks, spirogesters, Clarigesters, etc. .... 3
- (b) Primary clarifiers ..... 5
- (c) Primary clarifiers utilizing settling aid chemicals ..... 9

(6) SECONDARY TREATMENT UNITS

- (a) Trickling filter (without recirculation) ..... 5
- (b) Trickling filter (with recirculation) ..... 7
- (c) Activated sludge
  - (i) Mechanical aeration ..... 8
  - (ii) Diffused or dispersed air ..... 10
  - (iii) Oxidation ditch ..... 8
  - (iv) Pure oxygen ..... 13
- (d) Stabilization ponds ..... 5
- (e) Stabilization ponds with aeration ..... 7
- (f) Secondary clarifiers ..... 5

(7) TERTIARY TREATMENT UNITS

- (a) Polishing pond ..... 2
- (b) Land disposal of effluent ..... 5
- (c) Chemical treatment for phosphorus removal ..... 5
- (d) Activated carbon beds (with carbon regeneration) ..... 10
- (e) Activated carbon beds (without carbon regeneration) ..... 8
- (f) Sand or mixed-media filters ..... 4
- (g) Other nutrient removal processes following secondary treatment ..... 10

(8) DISINFECTION ..... 4

(9) SLUDGE TREATMENT

- (a) Sludge digesters (anaerobic) ..... 4
  - (i) If heated, add ..... 3
  - (ii) If mechanically or gas mixed, add ..... 2
- (b) Sludge digesters (aerobic) ..... 6
- (c) Drying beds or evaporation lagoons ..... 2
- (d) Thickener clarifier ..... 5
- (e) Vacuum filter ..... 7
- (f) Centrifuge ..... 7
- (g) Incinerator ..... 10
- (h) Utilizing digester gas for other than heating purposes ..... 3

When a wastewater treatment plant handles a complex waste or a unique treatment process that is not reflected in the classification system, the director upon recommendations of the board may establish a classification consistent with the intent of the above classification system.

**WSR 87-22-007**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 87-177—Filed October 23, 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 openings in Areas 6D and 7B necessary to prevent wastage and harvest non-Indian coho allocation. Openings in Areas 7B, 8A, 8D, 10, 11, 12 and 12B provide opportunity to harvest non-Indian chum allocation. All other Puget Sound catch and reporting areas are closed to prevent overharvest.

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

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

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

APPROVED AND ADOPTED October 23, 1987.

By Edward P. Manary  
for Joseph R. Blum  
Director

### NEW SECTION

**WAC 220-47-820 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC, effective October 24 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

\*Area 6D (excluding those waters within 1,000 feet of each mouth of the Dungeness River at high tide) – Closed except gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish continuously until 5:00 PM Saturday October 24. Those waters within 1,000 feet of each mouth of the Dungeness River at high tide are closed to all commercial fishing.

\*Area 7B – Closed except gill nets using 5-inch minimum mesh and purse seines may fish continuously until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

\*Area 8A (excluding those waters north of a line projected from Camano Head to the northern boundary of Area 8D) and Area 8D – Closed except gill nets using 6-inch minimum mesh may fish from 4:00 PM Monday October 26 to 8:00 AM Tuesday October 27 and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM Monday October 26. Those waters north of a line projected from Camano Head to the northern boundary of Area 8D remain closed to all commercial fishing. Fishery exclusion zones applicable to Area 8A commercial fisheries are described in WAC 220-47-307.

\*Areas 10 and 11 – Closed except gillnets using 6-inch minimum mesh may fish from 4:00 PM Monday October 26 to 8:00 AM Tuesday October 27 and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM Monday October 26. Fishery exclusion zones applicable to Area 10 and 11 commercial fisheries are described in WAC 220-47-307.

\*Area 12 (excluding those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek) and Area 12B (excluding those waters south of a line projected from Hood Point to Quatsap Point) – Closed except gillnets using 6-inch minimum mesh may fish from 4:00 PM Monday October 26 to 8:00 AM Tuesday October 27 and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM Monday October 26. Those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek and those waters south of a line projected from Hood Point to Quatsap Point are closed to all commercial fishing until further notice. Fishery exclusion zones applicable to Area 12 and 12B commercial fisheries are described in WAC 220-47-307.

Areas 4B, 5, 6, 6A, 6B, 6C, 7, 7A, 7C, 7D, 7E, 8, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

### REPEALER

The following section of the Washington Administrative Code is repealed effective October 24, 1987.

WAC 220-47-819 PUGET SOUND COMMERCIAL SALMON FISHING RESTRICTIONS Order No. 87-171

**WSR 87-22-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 87-178—Filed October 23, 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 the hatchery and wild escapement goals have not been met.

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 October 23, 1987.

By Edward P. Manary  
for Joseph R. Blum  
Director

### NEW SECTION

**WAC 220-36-02100R GRAYS HARBOR GILL-NET SEASON.** *Notwithstanding the provisions of WAC 220-36-021, 220-36-022, and 220-36-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Area.*

### REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 220-32-05100V COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE-YAKIMA INDIAN NATION - PRIEST RAPIDS POOL COMMERCIAL FISHERY.** (87-149)

**WAC 220-36-02100Q GRAYS HARBOR GILL-NET SEASON.** (87-163)

**WAC 220-40-02100D WILLAPA HARBOR GILLNET SEASON.** (87-165)

**WSR 87-22-009  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed October 26, 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—Work incentive, amending chapter 388-57 WAC;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is RCW 74.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 17, 1987. The meeting site is in a location which is barrier free.

Dated: October 23, 1987  
By: Leslie F. James, Director  
Administrative Services

### STATEMENT OF PURPOSE

Re: Chapter 388-57 WAC.

Purpose of this Rule Change: To update employment programs for aid to families with dependent children (AFDC) applicants and recipients; to clarify departmental responsibility for administration and adjudication of the several different parts of the Washington employment OPPORTUNITIES program; and to add material required by the Code of Federal Regulations (CFR).

Rule Revision is Needed Because: The WAC currently makes no reference to the Washington employment OPPORTUNITIES program which became effective April 1, 1986, and still refers to the employment and training (E&T) program which was eliminated at that time. The current WAC does not distinguish sufficiently between the separate federally regulated employment programs which, though included under the OPPORTUNITIES umbrella, differ in terms of the AFDC eligibility requirements, the agency responsible for administration and adjudication, and the sanction process in event of failure to participate. Revision has been requested by the Office of Administrative Hearings, the Employment Security Department and Evergreen Legal Services.

Statutory Authority: RCW 74.04.050.

Summary of the Rule Change: Obsolete and unnecessary material is eliminated from WAC 388-57-028, 388-57-040, 388-57-057, 388-57-097, 388-57-100, 388-57-120, 388-57-123 and 388-57-125; WAC 388-57-010, 388-57-015, 388-57-020, 388-57-032, 388-57-036, 388-57-045, 388-57-056, 388-57-061, 388-57-064, 388-57-070, 388-57-090, 388-57-121 and 388-57-122 are repealed, with extant material entered in new sections WAC 388-57-011, 388-57-058, 388-57-059, 388-57-063, 388-57-066, 388-57-067, 388-57-071, 388-57-074, 388-57-105, 388-57-112, 388-57-115, 388-57-116 and 388-57-117; and the title of WAC 388-57-124 is clarified.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Ken Anderson, Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-4920, scan 234-4920.

This rule is necessary as a result of federal law and regulations.

The following sections are being filed on an emergency basis to avoid a pending lawsuit to require the department to comply with 45 CFR, parts 240.10 and 240.22: WAC 388-57-074, 388-57-100, 388-57-105, 388-57-112, 388-57-115, 388-57-116 and 388-57-117. These sections will require the department to administer ESP including determination of good cause and administration of sanctions for failure to participate.

#### NEW SECTION

WAC 388-57-011 WASHINGTON EMPLOYMENT OPPORTUNITIES PROGRAM (OPPORTUNITIES). (1) The Washington employment opportunities program (OPPORTUNITIES) is a group of employment and training programs for applicants and recipients of AFDC and includes:

- (a) Work incentive (WIN) program,
- (b) Employment search program (ESP),
- (c) Community work experience program (CWEP), and
- (d) Employment partnership program (EPP).

(2) An AFDC applicant/recipient shall not be subject to sanction for failure to participate in one program if assigned to and participating in another OPPORTUNITIES program.

#### AMENDATORY SECTION (Amending Order 750, filed 12/7/72)

WAC 388-57-040 WORK INCENTIVE PROGRAM (WIN)—~~((STATUTORY BASIS))~~ AUTHORITY. (1) The work incentive ((WIN)) program is authorized by the Social Security Act, Title IV, Part C ((of Title IV of the Social Security Act which directs the secretary of labor to establish work incentive programs in each state. The Washington state employment security department, by agreement with the secretary of the U.S. Department of Labor, provides AFDC recipients with the following service categories for placement:))

~~((Placement in employment, on-the-job training, or)); and in 45 CFR 224 and identical 29 CFR 56.~~

~~(2) ((Institutional and work experience training likely to lead to regular employment, or)) The department of social and health services and the employment security department have joint administrative responsibility for WIN.~~

~~(3) ((Public service employment)) DSHS has jurisdiction to conduct hearings on appeals regarding:~~

~~(a) WIN registration as an AFDC eligibility requirement, and  
(b) AFDC grant change resulting from a WIN sanction (deregistration by ESD for refusal and/or failure to participate).~~

~~(4) ESD has jurisdiction to conduct hearings on appeals regarding:  
(a) Refusal or failure to participate in WIN employment and training activity or WIN social services required for employability; and  
(b) Grievances related to WIN requirements and services.~~

#### AMENDATORY SECTION (Amending Order 2035, filed 10/6/83)

WAC 388-57-057 WORK INCENTIVE PROGRAM—CERTIFICATION ((OF AFDC RECIPIENT TO STATE EMPLOYMENT)) AND SUPPORTIVE SERVICES. (1) ~~((An AFDC recipient registered with WIN))~~ The department shall certify registrants ((shall be certified to the state employment service when requested by the state)) as to readiness for employment ((service)) or training:

- ~~(a) When referred to ESD for active participation, or~~
- ~~(b) When requested by ESD.~~

~~(2) ((Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and for a thirty-day period from the start of paid employment. For this purpose, employment shall include full-time and part-time unsubsidized employment, WIN on-the-job training, WIN public service employment, and WIN suspense to other programs offering on-the-job training, public service employment, or other paid work)) The department shall certify a nonexempt AFDC-E qualifying parent within thirty days of grant opening.~~

~~(3) ((A certified mandatory registrant may not refuse supportive services if such refusal prevents the individual from accepting an appropriate work or training assignment. Such refusal shall be treated as a refusal to participate without good cause)) The department shall~~

provide supportive social services if needed for participation in an active WIN status and for thirty days from the start of paid employment. This is limited to the availability of federal and state funding for WIN.

#### NEW SECTION

WAC 388-57-058 WIN PROGRAM—FAILURE TO ACCEPT OR CONTINUE EMPLOYMENT. (1) This section applies to a mandatory registrant in a WIN status refusing or failing without good cause to accept a job offer or to continue employment at the current earning level.

(2) If OPPORTUNITIES staff receive an overt refusal, oral or written, ESD shall issue a notice of intended deregistration.

(3) If there is a defacto failure — inferred by the registrant's actions, inaction or other behavior — ESD shall, prior to issuing a notice of intended deregistration:

(a) Attempt to confirm the failure with both the employer and the registrant, and

(b) Offer the registrant a face-to-face appointment to determine existence of good cause. The appointment notice shall explain the reason for and the consequences of not keeping the appointment.

#### NEW SECTION

WAC 388-57-059 WIN PROGRAM—GRIEVANCES. (1) A registrant not refusing or failing to participate may file with ESD a grievance regarding assignment to or provision of WIN services. The grievance may concern either manpower services from ESD or supportive social services from DSHS.

(2) A registrant may request a hearing with a state administrative law judge through ESD, in addition to pursuing local grievance procedure with ESD management.

(3) A participant shall not be relieved of required WIN participation pending the results of a filed grievance or request for a grievance hearing.

**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 388-57-063 WIN PROGRAM—FAILURE TO PARTICIPATE. (1) This section applies to a registrant in a WIN status failing without good cause to participate other than failure to accept a job offer or to continue employment at the current earning level.

(2) Failure to participate shall include, but is not limited to, refusal or failure to:

(a) Appear for two appointments with OPPORTUNITIES staff, including appointments for reappraisal of an unassigned recipient; or

(b) Appear for one appointment with other than OPPORTUNITIES staff when referred for employment-related activity, including social services; or

(c) Accept or continue WIN work experience, training, or supportive services required for employability.

(3) If there is overt refusal — an oral or written statement of unwillingness to participate — OPPORTUNITIES staff shall offer the registrant conciliation lasting no more than thirty days from date of refusal.

(4) If there is a defacto failure — behavior from which lack of participation is inferred — OPPORTUNITIES staff shall offer the registrant:

(a) A face-to-face appointment to determine good cause and begin conciliation, explaining in the appointment notice the reason for and the consequences of not keeping the appointment; and

(b) Conciliation lasting no more than thirty days from the face-to-face appointment.

(5) OPPORTUNITIES staff shall begin conciliation — counseling to restore participation — as soon as possible but no later than ten days after staff determine an overt or defacto failure exists.

(6) Conciliation activity shall consist of at least two attempts to involve the registrant and may continue for up to 30 calendar days.

(7) OPPORTUNITIES staff shall advise the registrant of the right to terminate conciliation and, where necessary, assist in preparing the written statement.

(8) OPPORTUNITIES must issue a notice of intended deregistration within two working days after unsuccessful termination of conciliation due to:

- (a) Written request from the registrant to terminate conciliation, or
- (b) Belief by OPPORTUNITIES staff that the dispute cannot be resolved by conciliation, based on current efforts, or
- (c) Expiration of the thirty-day limit without resolution of the problem.

**NEW SECTION**

WAC 388-57-066 WIN PROGRAM—NOTICE OF INTENDED DEREGISTRATION. A notice of intended deregistration for sanction shall state:

- (1) Why the action is taking place, giving details;
- (2) The AFDC grant may be affected;
- (3) The number of payment months the deregistration shall stand; and
- (4) The right to appeal to ESD within ten days.

**NEW SECTION**

WAC 388-57-067 WIN PROGRAM—SANCTION. (1) A WIN sanction is the deregistration of a nonexempt registrant from OPPORTUNITIES by ESD for refusal or failure to participate with-out good cause while in a WIN status.

(2) The sanction shall begin on the first day of the first payment month the sanctioned individual's needs are removed from the AFDC grant.

(3) For the first occurrence, the sanction shall be for three consecutive payment months.

(4) For the second or subsequent occurrence, the sanction shall be for six consecutive payment months.

**NEW SECTION**

WAC 388-57-071 WORK INCENTIVE PROGRAM—GOOD CAUSE. (1) This section applies to participants in WIN, including unassigned recipients subject to reappraisal.

(2) The OPPORTUNITIES staff member directing the activity shall attempt to determine good cause prior to initiating sanction for refusal or failure to participate in WIN.

(3) The following conditions when verified shall constitute good cause for refusal or failure to participate in WIN.

- (a) Physical, mental, or emotional inability to perform the required activity.
- (b) Court-ordered appearance or temporary incarceration.
- (c) Family or individual emergency or crisis.
- (d) Breakdown in transportation arrangements, with no readily accessible alternate transportation.
- (e) Inclement weather which prevents the individual and others similarly situated from traveling to or participating in the prescribed activity.
- (f) Breakdown in child care arrangements, or child care not available to the single parent AFDC household.
- (g) The nature of the required activity would be hazardous to the participant.
- (h) The wages of the employment do not meet minimum wage standards or are not customary for such work in the community.
  - (i) The job is available because of a labor dispute.
  - (j) The employment referral was not for a specific job vacancy.
  - (k) Refusal to accept major medical treatment, e.g., major surgery, needed for employability.
  - (l) Refusal by an AFDC-E qualifying parent to accept employment of 100 hours or more per month, the wages for which, less mandatory payroll deductions and necessary work-related expenses, would not equal or exceed the family's AFDC cash benefits.

**NEW SECTION**

WAC 388-57-074 OPPORTUNITIES PROGRAM—EXEMPTION AND HEARINGS. (1) An AFDC applicant and/or recipient, claiming to be exempt from ESP/CWEP participation or WIN registration, shall be considered exempt until status is finally determined.

(2) DSHS has jurisdiction to conduct hearings on appeals by individuals claiming to be exempt from:

- (a) ESP participation required of AFDC applicants and recipients,
  - (b) CWEP participation required of AFDC recipients, and
  - (c) WIN (OPPORTUNITIES) registration required of AFDC recipients.
- (3) DSHS has jurisdiction to conduct hearings on appeals by individuals:

(a) Requesting a grievance hearing over an issue with either ESD or DSHS OPPORTUNITIES while participating in ESP, CWEP, or EPP;

(b) Contesting sanction (AFDC grant change or denial) for failure to participate while assigned to ESP or CWEP under the OPPORTUNITIES program; and

(c) Contesting an AFDC grant change as a result of a WIN sanction (deregistration by ESD from the OPPORTUNITIES program).

(4) ESD has jurisdiction to conduct hearings on appeals by individuals:

(a) Requesting a grievance hearing over an issue with either ESD or DSHS OPPORTUNITIES regarding WIN services or required WIN activity under the OPPORTUNITIES program,

(b) Contesting a WIN sanction (deregistration by ESD from the OPPORTUNITIES program), and

(c) Contesting a refusal by OPPORTUNITIES staff to register an individual following a WIN sanction.

**AMENDATORY SECTION** (Amending Order 2102, filed 6/7/84)

WAC 388-57-097 COMMUNITY WORK EXPERIENCE PROGRAM (CWEP). The community work experience program (CWEP) is authorized by the Social Security Act, Title IV, Part A, and in 45 CFR 238, and under RCW 74.04.473 (~~and as provided for in 45 CFR 238~~).

(1) ~~(The program has the following objectives:~~

~~(a) To provide work experience to recipients of AFDC unable to secure employment through other employment programs; and~~

~~(b) To determine the extent work experience will assist individuals participating in the program to secure unsubsidized employment.~~

~~(2) CWEP sites shall be located in the Moses Lake and Mount Vernon CSOs.~~

~~(3)) Any AFDC recipient shall, as a condition of eligibility for AFDC, participate ((im)) when assigned to CWEP unless the individual:~~

~~(a) Is participating in ((a WIN/E&F)) an OPPORTUNITIES approved training plan; or~~

~~(b) Meets the ((WIN/E&F)) exemption criteria of WAC 388-24-107; or~~

~~(c) Is ((both currently (or becomes))) employed at least eighty hours per month and earning not less than the legally established minimum wage for such employment((Persons employed at least eighty hours per month at jobs not having an established minimum wage shall be exempted regardless of wage level)); or~~

~~(d) Is denied an AFDC grant for any month solely because the amount of the entitlement is less than ten dollars per month; or~~

~~(e) Resides in ((a non-CWEP CSO)) an area not having CWEP.~~

~~((4)) (2) The department shall:~~

~~(a) Provide coordination between CWEP, ESP, EPP and the WIN((E&F)) program:~~

~~(i) To ensure ((that)) job placement will have priority over participation in CWEP((;)), and~~

~~(ii) To ensure ((that)) aid may not be denied on the grounds of failure to participate in ((either WIN or)) CWEP if participants are ((actively and satisfactorily)) participating in ((the other program)) WIN, ESP, or EPP.~~

~~(b) ((Provide that CWEP work hour requirements may be met hour for hour by documented job search activity which has received prior approval by the CWEP service worker;~~

~~((c)) Require appropriate standards of health, safety, and other conditions applicable to the performance of work;~~

~~((d)) (c) Ensure reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants;~~

~~((e)) (d) Ensure participants do not perform tasks in any way related to political, electoral, or partisan activities or which would result in displacement of persons currently employed or fill established ((unfilled position)) funded vacancies;~~

~~((f)) (e) Ensure tasks have not been developed in response to ((or in any way associated with;)) the existence of a strike, lockout, or other bona fide labor dispute or violate any existing labor agreement between employees and employers;~~

~~((g)) (f) Reimburse necessary transportation costs;~~

~~((h)) (g) Pay customary departmental scale costs of child care needed in order to participate in CWEP;~~

~~((i)) (h) Not require the use of the participant's assistance or income or resources to pay participation costs;~~

~~((fj)) (i) Provide ((that)) assignments to CWEP projects will be made taking into consideration ((to the extent possible)) the prior training, proficiency, experience, and skills of a participant; and~~

~~((fk)) (j) Provide ((that)) assignment to CWEP projects shall not require participants to travel unreasonable distances from home or to remain away from home overnight without consent((; and~~

~~(k) Provide worker's compensation coverage for participants through the department of labor and industries)).~~

~~((f5)) (3) CWEP participants shall ((be referred to and shall)) participate in work experience slots designed to serve a useful public purpose in public agencies or private nonprofit organizations ((as agreed on by the agency and the department)).~~

~~((f6)) (4) The hours of CWEP participation required ((of any assistance unit, regardless of the number of participants in that unit)) shall be no more than the number calculated by dividing the amount of the ((household's assistance)) grant by the greater of the federal or state minimum wage((; not to exceed one hundred twenty-eight hours during a calendar month)). The AFDC payment shall not be construed as compensation for work performed.~~

~~((f7) If a recipient of AFDC-R fails or refuses without good cause to participate in the community work experience program, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. If a recipient of AFDC-E qualifying the family for AFDC-E fails or refuses without good cause to participate in the community work experience program, the entire assistance unit shall become ineligible for AFDC-E. These sanctions shall be consistent with the WIN sanction period in WAC 388-57-064. A recipient adversely affected shall have the opportunity for administrative review and/or fair hearing as provided by RCW 74.08.070 and chapter 388-08 WAC. Good cause provisions are included in WAC 388-57-064. WAC 388-57-064 (7)(d) shall not apply to CWEP participation.~~

~~((8)) (5) AFDC recipients who are not mandatory referrals to CWEP may volunteer for this program in CWEP sites. No sanctions in this chapter shall apply to CWEP volunteers for failure to participate in this program.~~

~~(6) DSHS has administrative and adjudicatory responsibility for CWEP.~~

AMENDATORY SECTION (Amending Order 2147, filed 8/29/84, effective 10/1/84)

WAC 388-57-100 EMPLOYMENT SEARCH PROGRAM (ESP). The employment search program (ESP) is authorized ((under Public Law 97-248, 96 Stat. 324, 42 U.S.C. 1302 and as further provided)) by the Social Security Act, Title IV, Part A, and in 45 CFR 240. ESP is a job-seeking activity.

(1) ~~((The purpose of this program is to reduce welfare dependency by assisting individuals in obtaining regular unsubsidized employment.~~

~~(2) As a condition of eligibility for)) All AFDC applicants and recipients ((who are determined job ready by WIN or E&T)) shall, as a condition of eligibility, participate ((m)) when assigned to the employment search program, unless exempt under WAC 388-24-107.~~

~~(a) For an initial period((;)), an individual((s)) assigned to the employment search program shall ((be required to)) participate in the program for up to ((eight)) fifty-six consecutive ((weeks)) days from the date a written request for AFDC is made.~~

~~(b) Individuals completing the initial ((eight-week)) fifty-six-day participation shall be subject to an additional ((eight-week)) forty-day participation in any subsequent twelve-month period.~~

~~((c) The first such period of twelve consecutive months shall begin at any time following the close of the initial period in (a) of this subsection.~~

~~(3) Exemptions and sanctions shall be the same as prescribed in WAC 388-57-064 (1), (2), (3), (4), and (7).~~

~~(4) Nothing in this section shall restrict WIN program employment search requirements, providing that:~~

~~((a)) (2) No individual shall be subject to concurrent job search requirements in WIN and the employment search program((; and)).~~

~~((b) No individual shall be subject to any sanction for failure to participate in one program in this section if he/she is actively and satisfactorily participating in the other program.))~~

~~(3) The department shall provide child care and transportation expenses needed for participation in ESP if not otherwise available.~~

~~(4) ESP participants shall conduct job search according to a written plan. The plan shall specify the minimum number of work search days per week and the number of employer contacts per work search day.~~

~~(5) DSHS has administrative and adjudicatory responsibility for ESP.~~

#### NEW SECTION

WAC 388-57-105 TITLE IV-A EMPLOYMENT PROGRAMS—COMPLAINTS AND GRIEVANCES. (1) WAC 388-57-105 applies to issues initiated by individuals assigned to ESP or CWEP having not refused or failed to participate. This section also applies to any EPP participant having a grievance.

(2) Complaints and grievances may include, but are not limited to, issues filed with:

(a) ESD OPPORTUNITIES regarding job search services and directives, particular job referrals, CWEP referrals, transportation allowances, alleged discrimination in placements, or EPP arrangements; and

(b) DSHS OPPORTUNITIES regarding assignment to ESP or CWEP, or provision of employment-related social services.

(3) Local DSHS or ESD management receiving the grievance shall pursue resolution in accordance with standard grievance procedures, as contained in WAC 388-33-389.

(4) The aggrieved participant shall further be informed of the right to request a DSHS fair hearing if dissatisfied.

(5) A participant shall not be relieved of required participation pending the results of a filed grievance or request for a grievance hearing.

#### NEW SECTION

WAC 388-57-112 TITLE IV-A EMPLOYMENT PROGRAMS—FAILURE TO PARTICIPATE. (1) This section applies to nonexempt individuals failing to participate without good cause while assigned to ESP or CWEP. The department shall decide whether failure to participate in ESP or CWEP exists.

(2) Failure to participate shall include, but is not limited to, failure to:

(a) Appear for two appointments with OPPORTUNITIES staff;

(b) Appear for one appointment with other than OPPORTUNITIES staff when referred for employment-related activity, including social services;

(c) Accept or continue a work experience assignment under CWEP;

(d) Conduct required job search or accept an offer of employment under ESP;

(e) Accept or continue social services needed for participation; or

(f) Retain a CWEP assignment due to the participant's misconduct.

#### NEW SECTION

WAC 388-57-115 TITLE IV-A EMPLOYMENT PROGRAMS—SANCTION. (1) A IV-A sanction is the denial or termination of AFDC due to ineligibility because of failure to participate while in ESP or CWEP status.

(2) A nonexempt individual failing to participate in ESP without good cause while an applicant shall be sanctioned by denial of AFDC. WAC 388-57-117 shall apply until the individual reapplies for AFDC.

(3) A nonexempt AFDC recipient failing to participate in ESP or CWEP without good cause shall be sanctioned as follows, in accordance with WAC 388-57-117:

(a) For the first occurrence, the sanction shall be for three payment months;

(b) For the second or subsequent occurrence, the sanction shall be for six payment months; and

(c) The sanction shall begin on the first day of the first payment month the sanctioned individual's needs can be removed from the AFDC grant, after DSHS financial services receives notification of failure to participate without good cause.

#### NEW SECTION

WAC 388-57-116 TITLE IV-A EMPLOYMENT PROGRAMS—GOOD CAUSE. (1) This section applies to participants in CWEP, ESP, and EPP.

(2) The department shall attempt to determine good cause prior to initiating sanction for refusal or failure to participate in CWEP or ESP.

(3) The following conditions when verified shall constitute good cause for refusal or failure to participate in ESP, CWEP, or EPP:

(a) Physical, mental, or emotional inability to perform the required activity;

(b) Court-ordered appearance or temporary incarceration;

(c) Family or individual emergency or crisis;

(d) Breakdown in transportation arrangements, with no readily accessible alternate transportation;

(e) Inclement weather preventing the individual and others similarly situated from traveling to or participating in the prescribed activity;

(f) Breakdown in child care arrangements, or child care not available to the single-parent AFDC household;

(g) The nature of the required activity would be hazardous to the participant;

(h) The wages of the employment do not meet minimum wage standards or are not customary for such work in the community. This does not apply to CWEP, as participants do not receive a wage;

(i) The job is available because of a labor dispute;

(j) Refusal to accept major medical treatment (e.g., major surgery) needed for employability; and

(k) Refusal by an AFDC-E qualifying parent to accept employment of one hundred hours or more per month, the wages for which, less mandatory payroll deductions and necessary work-related expenses, would not equal or exceed the family's AFDC cash benefits. This does not apply to CWEP, which does not involve wages.

#### NEW SECTION

WAC 388-57-117 OPPORTUNITIES PROGRAM—EFFECT OF SANCTION ON AFDC. (1) This section applies to:

(a) Nonexempt AFDC applicants sanctioned under ESP or WIN; and

(b) Nonexempt AFDC recipients sanctioned under WIN, ESP, or CWEP.

(2) The entire family shall be ineligible for AFDC if the sanctioned individual is:

(a) The only dependent child in the assistance unit, or

(b) The unemployed parent qualifying the family for AFDC-E.

(3) The sanctioned individual's needs shall not be considered in determining the family's need for assistance if the sanctioned person is:

(a) One of two or more dependent children on the grant, or

(b) The parent other than the qualifying parent on AFDC-E.

(4) If the sanctioned individual is the caretaker relative on an AFDC-R grant:

(a) The sanctioned individual's needs shall not be considered in determining the family's need for assistance, and

(b) Assistance to the remaining eligible family members shall be provided by protective payment as specified in WAC 388-33-450.

#### AMENDATORY SECTION (Amending Order 2403, filed 8/1/86)

WAC 388-57-120 EMPLOYMENT PARTNERSHIP PROGRAM (EPP)—AUTHORITY. The employment partnership program EPP is authorized by the Social Security Act, Title IV, Part A, and ((under P.L. 97-35, 95 stat. 848, (42 U.S.C. Section 614), chapter 172, Laws of 1986, and as further provided)) in 45 CFR 239. EPP is a subsidized on-the-job training program for AFDC recipients. It is a voluntary program.

**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 2403, filed 8/1/86)

WAC 388-57-123 EMPLOYMENT PARTNERSHIP PROGRAM—ELIGIBLE EMPLOYERS. An employer((; before becoming eligible to fill a position under the employment partnership program;)) shall certify to the employment security department that the employment((; offer of employment, or work activity)) complies with the following conditions:

(1) The conditions of work are reasonable and not in violation of applicable federal, state, or local safety and health standards;

(2) The assignments are not in any way related to political, electoral, or partisan activities;

(3) The employer shall provide industrial insurance coverage as required by Title 51 RCW;

(4) The employer shall provide unemployment compensation coverage as required by Title 50 RCW; and

(5) ((The employment partnership)) Program participants hired following the completion of the program shall be provided benefits equal to those provided to other employees ((including Social Security coverage, sick leave, the opportunity to join a collective bargaining unit, and medical benefits)).

#### AMENDATORY SECTION (Amending Order 2403, filed 8/1/86)

WAC 388-57-124 EMPLOYMENT PARTNERSHIP PROGRAM—CONDITIONS OF EMPLOYMENT. Employment positions established by this program shall not be created as the result of, nor result in, any of the following:

(1) Displacement of current employees or overtime currently worked by these employees;

(2) The filling of positions that would otherwise be promotional opportunities for current employees;

(3) The filling of a position, before compliance with applicable personnel procedures or provision of collective bargaining agreements;

(4) The filling of a position created by termination, layoff, or reduction in work force.

(5) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific work site, or the filling of a work assignment in any bargaining unit in which funded positions are vacant, or in which regular employees are on layoff;

(6) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers;

(7) Decertification of any collective bargaining unit.

#### AMENDATORY SECTION (Amending Order 2403, filed 8/1/86)

WAC 388-57-125 EMPLOYMENT PARTNERSHIP PROGRAM—FUNDING AND PAYMENT. ((The employer shall pay wages of at least five dollars per hour;))

((The)) (1) The employer shall pay wages at the usual and customary rate of comparable jobs(;;), or five dollars per hour, whichever is greater.

((The)) (2) ((A recoupment process)) When a job does not last six months following the subsidization period, the department shall recover state supplemented wages from an employer ((when a job does not last six months following)) from the beginning of the subsidization period unless the employee:

(a) ((The employee)) voluntarily quits, or

(b) Is fired for good cause due to misconduct, felony, or gross misdemeanor, as determined under rules pursuant to chapter 50.20 RCW(;;).

((The)) (3) Job placements shall have promotional opportunities or reasonable opportunities for wage increases(;;).

((The)) (4) Supportive counseling and referral services may be provided;)

((The)) (5) Employers shall provide monetary matching funds of at least fifty percent of total wages(;;).

((The)) (6) Grants may be diverted for self-employment wages withheld for worker-owned businesses ((if:

(a) A feasibility study or business plan is completed on the proposed business; and

(b) The project is approved by the loan committee of the Washington state development loan fund as created by RCW 43.168-110)) pursuant to RCW 43.168.050.

((The)) (7) A participant shall be considered an AFDC recipient and remain eligible for Medicaid benefits even if the participant does not receive a residual cash grant. Employment partnership participants shall be eligible for:

(a) The thirty dollar plus one-third of earned income exclusion from income for up to nine months;

(b) The work-related expense disregard; and

(c) The child care expense disregard deemed available to recipient of AFDC in computing his or her grant, unless prohibited by federal law.

((The)) (8) A participant's total benefits will not decrease because of participation in the program.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-57-010 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT.

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT DES—REGISTRATION.

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS—VERIFICATION.

WAC 388-57-028 VOCATIONAL TRAINING.

- WAC 388-57-032 EMPLOYMENT AND TRAINING (E&T) PROGRAM.
- WAC 388-57-036 EMPLOYMENT AND TRAINING (E&T)—DEFINITIONS.
- WAC 388-57-045 WORK INCENTIVE PROGRAM—DEFINITIONS.
- WAC 388-57-056 REFUSAL TO COOPERATE IN APPRAISAL PRIOR TO CERTIFICATION.
- WAC 388-57-061 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/E&T WITHOUT GOOD CAUSE.
- WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT OR REDUCTION OF EARNINGS UNDER WIN WITHOUT GOOD CAUSE—DEREGISTRATION SANCTION AND REACCEPTANCE TO WIN.
- WAC 388-57-070 COMMUNITY SERVICES OFFICE—STATE EMPLOYMENT SERVICE JOINT CASE RESPONSIBILITY.
- WAC 388-57-090 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/EMPLOYMENT AND TRAINING WITHOUT GOOD CAUSE—FAIR HEARINGS.
- WAC 388-57-121 PURPOSE.
- WAC 388-57-122 ELIGIBLE PARTICIPANTS.

**WSR 87-22-010**  
**ADOPTED RULES**  
**BOARD OF HEALTH**

[Order 306—Filed October 26, 1987]

Be it resolved by the Washington State Board of Health, acting at the Bellingham Public Library, 210 Central, Bellingham, WA, that it does adopt the annexed rules relating to chapter 248-148 WAC, School districts—Auditory and visual standards, new WAC 248-148-021, 248-148-031, 248-148-035, 248-148-091, 248-148-101, 248-148-121, 248-148-123 and 248-148-131; and repealing WAC 248-148-020, 248-148-030, 248-148-040, 248-148-050, 248-148-060, 248-148-070, 248-148-080, 248-148-090, 248-148-100, 248-148-110, 248-148-120, 248-148-130 and 248-148-140.

This action is taken pursuant to Notice No. WSR 87-16-086 filed with the code reviser on August 5, 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 28A.31-.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 October 14, 1987.

By John A. Beare, MD, MPH  
 Secretary

**NEW SECTION**

WAC 248-148-021 CRITERIA FOR SELECTION OF CHILDREN FOR SCREENING. Boards of school directors shall require auditory and visual screening of children as follows:

(1) Schools shall screen all children in kindergarten and grades one, two, three, five, and seven.

(2) Schools shall promptly screen all children having a possible loss in auditory or visual acuity referred to the district by parents, guardians, or school staff.

(3) If manpower resources permit, schools shall annually screen children at other grade levels.

**NEW SECTION**

WAC 248-148-031 AUDITORY ACUITY SCREENING STANDARDS—SCREENING EQUIPMENT AND PROCEDURES. (1) Schools shall use auditory screening equipment providing tonal stimuli at frequencies at one thousand, two thousand, and four thousand herz (Hz) at hearing levels of twenty or twenty-five decibels (dB), as measured at the earphones, in reference to American National Standards Institute (ANSI) 1969 standards.

(2) Qualified persons shall check the calibration of said frequencies and intensity at least every twelve months, at the earphones, using equipment designed for audiometer calibration.

**NEW SECTION**

WAC 248-148-035 AUDITORY ACUITY SCREENING PROCEDURES. (1) Schools shall screen all children referenced in WAC 248-148-021 on an individual basis at one thousand, two thousand, and four thousand Hz.

(2) The screener shall:

(a) Present each of the tonal stimuli at a hearing level of twenty or twenty-five dB based on the ANSI 1969 standards;

(b) Conduct screenings in an environment free of extraneous noise;

(c) If at all possible, complete screening within the first semester of each school year;

(d) Place the results of screenings, any referrals, and results of such referrals in each student's health and/or school record; and

(e) Forward the results to the student's new school if the student transfers.

**NEW SECTION**

WAC 248-148-091 AUDITORY ACUITY SCREENING FAILURE—REFERRAL PROCEDURES. Boards of school directors shall establish procedures requiring school districts:

(1) Rescreen students not responding to one or more frequencies in either ear in three to six weeks after the initial screening, and notify their teachers of the need for preferential positioning in class because of the possibility of decreased hearing.

(2) Notify parents of the need for audiological evaluation if the student fails the second screening.

(3) Schools shall notify parents of the need for medical evaluation if:

(a) Indicated by audiological evaluation, or

(b) Audiological evaluation is not available.

NEW SECTION

**WAC 248-148-101 AUDITORY ACUITY SCREENING—QUALIFICATION OF PERSONNEL.** Each school district shall designate a district audiologist or district staff member having:

(1) Responsibility for the administration of the auditory screening program in conformity with these regulations, and

(2) Training and experience appropriate to:

(a) Develop an administrative plan for conducting auditory screening in cooperation with the appropriate school personnel in order to ensure the program can be carried out efficiently and effectively;

(b) Obtain the necessary instrumentation for carrying out the screening program, and ensuring the equipment is in proper working order and calibration; and

(c) Secure appropriate personnel for carrying out the screening program, if such assistance is necessary, and for assuring such personnel are sufficiently trained to:

(i) Understand the purposes and regulations involved in the auditory screening programs; and

(ii) Utilize the screening equipment in an appropriate manner to ensure maximum accuracy.

(d) Ensure records are made and distributed as appropriate; and

(e) Disseminate information to other school personnel acquainting them with aspects of a child's behavior denoting the need for referral for auditory screening.

NEW SECTION

**WAC 248-148-121 VISUAL ACUITY SCREENING EQUIPMENT.** Boards of school districts shall require personnel conducting the screening use a Snellen test chart for screening for distance central vision acuity: **PROVIDED**, That either the Snellen E chart or the standard Snellen distance acuity chart may be used as appropriate to the child's age and abilities. The test chart shall be properly illuminated and glare free.

Other screening procedures equivalent to the Snellen test may be used only if approved by the state board of health.

NEW SECTION

**WAC 248-148-123 VISUAL ACUITY SCREENING PROCEDURES.** (1) Schools shall:

(a) Screen children wearing glasses for distance viewing with their glasses on;

(b) Place the results of screening, any referrals, and results of such referrals in each student's health and/or school record; and

(c) Forward the results to the student's new school if the student transfers.

(2) When a child is observed by school personnel to demonstrate other signs or symptoms related to eye problems to the extent such signs or symptoms negatively influence the child in his or her studies, school personnel shall refer the child to the parents or guardians for professional care.

NEW SECTION

**WAC 248-148-131 VISUAL ACUITY SCREENING FAILURE—REFERRAL PROCEDURES.** Boards of school directors shall require schools rescreen students having a visual acuity of 20/40 or less in either eye as determined by the Snellen test or its approved equivalent within two weeks or as soon as possible after the original screening. Failure is indicated by the inability to identify the majority of letters or symbols on the thirty foot line of the test chart at a distance of twenty feet.

Schools shall inform parents or guardians of students failing the second screening, in writing, of the need and importance of the child receiving professional care.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-148-020 CRITERIA FOR SELECTION OF CHILDREN FOR SCREENING.

WAC 248-148-030 EQUIPMENT FOR SCREENING.

WAC 248-148-040 SCREENING METHOD.  
WAC 248-148-050 SCREENING FREQUENCIES.

WAC 248-148-060 SCREENING LEVELS.  
WAC 248-148-070 SCREENING ENVIRONMENT.

WAC 248-148-080 CALIBRATION.  
WAC 248-148-090 SCREENING FAILURE.  
WAC 248-148-100 QUALIFICATION OF PERSONNEL.

WAC 248-148-110 FREQUENCY OF SCREENING.

WAC 248-148-120 SCREENING PROCEDURES.

WAC 248-148-130 STUDENTS WITH SCREENING FAILURE.

WAC 248-148-140 SCREENING FAILURE—REFERRAL PROCEDURES.

**WSR 87-22-011****ADOPTED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 2548—Filed October 26, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to citizenship and alien status, amending WAC 388-54-680.

This action is taken pursuant to Notice No. WSR 87-18-036 filed with the code reviser on August 27, 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 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 23, 1987.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 1959, filed 5/4/83)

WAC 388-54-680 CITIZENSHIP AND ALIEN STATUS. (1) To participate in the food stamp program, an applicant shall be any person who is a resident of the United States and either:

- (a) A United States citizen; or
- (b) An alien lawfully admitted for permanent residence as an immigrant pursuant to sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act.
- (c) An alien who entered the United States prior to ~~(June 30, 1948)~~ January 1, 1972, or some later date as required by law, and has continuously maintained residency in the United States since then, and is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general pursuant to section 249 of the Immigration and Nationality Act.
- (d) An alien who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion pursuant to sections 203(a)(7), 207, and 208 of the Immigration and Nationality Act.
- (e) An alien who qualifies for conditional entry prior to March 18, 1980, pursuant to former section 203(a)(7) of the Immigration and Nationality Act.
- (f) An alien granted asylum through an exercise of discretion by the attorney general pursuant to section 208 of the Immigration and Nationality Act.
- (g) An alien lawfully present in the United States as a result of an exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act or as a result of a grant of parole by the attorney general.
- (h) An alien living within the United States for whom the attorney general has withheld deportation pursuant to section 243 of the Immigration and Nationality Act because of the judgment of the attorney general that the alien would otherwise be subject to persecution on account of race, religion, or political opinion.
- (i) An alien who is a special agricultural worker and lawfully admitted for temporary residence on or after June 1, 1987, according to section 210(a) of the Immigration and Nationality Act.

(j) An alien defined as aged, blind, or disabled according to the Social Security Act and is considered lawfully admitted for permanent residence on or after November 7, 1988, under section 245(b)(i) of the Immigration and Nationality Act.

(k) An alien, on or after May 5, 1992:

(i) Granted temporary resident status under section 245(A) of the Immigration and Nationality Act at least five years before the food stamp application, and  
(ii) Who subsequently gained permanent resident status.

(l) An alien granted temporary resident status as additional special agricultural worker between October 1, 1989 and September 30, 1993, under section 210(A)(a) of the Immigration and Nationality Act.

(2) The CSO shall determine if household members identified as alien are eligible aliens by requiring the appropriate verification for each alien member. Aliens unable to furnish this identification are ineligible.

(3) Ineligible aliens. Aliens other than those described in this section shall not be eligible to participate in the program as a member of any household. Among those excluded are alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country. The following applies:

(a) The income and resources of an ineligible alien who would be considered a member of a household if he or she did not have ineligible alien status shall be considered in determining eligibility or level of benefits of the household in the same manner as the income and resources of a disqualified member as found in WAC 388-54-830.

(b) If verification of the eligible alien status is not provided on a timely basis, the eligibility of the remaining household members shall be determined. The income and resources of the individual whose alien status is unverified shall be treated in the same manner as a disqualified member as set forth in WAC 388-54-830 and considered available in determining the eligibility of the remaining household members. If verification of eligible alien status is subsequently received, the department shall act on the information as a reported change in household membership.

(c) When a household indicates inability or unwillingness to provide documentation of alien status for any household member, the department shall classify that member (~~(should be classified)~~) as an ineligible alien.

(4) Reporting illegal aliens. The department shall inform the local INS office whenever a member of a household is ineligible to receive food stamps because the member is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.

(5) Sponsored aliens. See WAC 388-54-660(5) for instructions in determining eligibility and benefit level of a sponsored alien and their spouse.



**WSR 87-22-012**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Order 2549—Filed October 26, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to human immunodeficiency virus infection (HIV) treatment, new chapter 248-168 WAC.

This action is taken pursuant to Notice No. WSR 87-18-037 filed with the code reviser on August 27, 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 43.20A-.550 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 October 23, 1987.

By Leslie F. James, Director  
 Administrative Services

Chapter 248-168 WAC  
**HUMAN IMMUNODEFICIENCY VIRUS INFECTION TREATMENT**

NEW SECTION

WAC 248-168-010 **PURPOSE.** The department of social and health services (DSHS) shall administer federal funds awarded to assist a person in need of Zidovudine, or other drugs available in the future. These drugs are used for the treatment of various stages of infection with the human immunodeficiency virus (HIV).

NEW SECTION

WAC 248-168-020 **SERVICES.** To the extent federal funds are available, DSHS shall reimburse a participating pharmacy for costs of dispensing Zidovudine to an eligible individual suffering from infection with HIV.

NEW SECTION

WAC 248-168-030 **REIMBURSEMENTS.** Reimbursement shall be made upon receipt of documented evidence the individual receiving the Zidovudine has met medical and financial eligibility requirements as established by the department.

NEW SECTION

WAC 248-168-040 **ELIGIBILITY.** (1) The department shall:

(a) Establish medical eligibility criteria as determined by nationally recognized expert medical authorities allowing for the selection of a patient in greatest need or who would benefit the most; and

(b) Generally consider a patient eligible if he or she has resources at or below the exemptions listed below in subsection (3) of this section and is ineligible for all other resources providing similar benefits to meet the costs of this treatment.

(2) Resources. The department shall consider the following in determining resources:

(a) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;

(b) Savings, property, and other assets;

(c) Government and private medical insurance programs, including Medicaid, providing partial or full coverage for drugs needed in the treatment of infection with HIV; and

(d) Local funds raised for the purpose of providing financial support for a specified patient.

(3) Exemptions are as follows:

(a) A home, defined as real property owned by a patient as a principal place of residence, together with the property surrounding and contiguous thereto not to exceed five acres; and

(b) Commercial property, or property used for the purpose of producing income, shall be considered excess property and subject to the limitations of subsection (3)(b)(iii) of this section:

(i) Household furnishings;

(ii) An automobile; and

(iii) Savings, property, or other assets, the value not to exceed the sum of ten thousand dollars.

NEW SECTION

WAC 248-168-050 **TRANSFER OF RESOURCES WITHOUT ADEQUATE CONSIDERATION.** An individual shall be ineligible for the program if the person knowingly and willfully assigns or transfers nonexempt resources at less than fair market value for the purpose of qualifying or continuing to qualify for the program within two years preceding the date of application. Two years must expire between the date of transfer and reapplication.

NEW SECTION

WAC 248-168-060 **FISCAL INFORMATION.** An individual shall provide fiscal information upon request of the department. Such information shall include:

(1) Sources and amounts of resources to verify financial eligibility,

(2) Evidence all other available resources have been used before requests for reimbursement from the state program are submitted to the department, and

(3) Such other information as may be required by the department.

**WSR 87-22-013**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2550—Filed October 26, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to social services for families, children and adults, chapter 388-15 WAC.

This action is taken pursuant to Notice No. WSR 87-18-055 filed with the code reviser on September 1, 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 ESHB 1221 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 October 23, 1987.

By Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 2383, filed 5/30/86)

WAC 388-15-209 CHORE SERVICES—ELIGIBLE INDIVIDUALS. (1) Service eligibility.

(a) Chore services are for adults (~~(aged)~~) eighteen years of age and over(~~(, although in some instances families may be served)~~).

(b) Eligibility for chore services (~~(are)~~) shall be determined through the completion and scoring of the client review questionnaire. (~~((t))~~) Refer to WAC 388-15-212.~~((t))~~

(c) Families may receive chore services when the client is the normal caretaker of the children and:

(i) Is in the home but unable to physically care for the children;

(ii) Is in the home and physically unable to perform the necessary household tasks; or

(iii) Is out of the home temporarily, as defined by the department; and

(iv) Children and family services confirms all possible resources have been explored and no one can or will provide the necessary care.

(d) Department paid services (~~(are)~~) shall be provided only to persons whose chore services needs cannot be met by relatives, friends, nonprofit organizations, or other persons.

(2) Financial eligibility.

(a) (~~(Persons receiving)~~) To be eligible to receive chore services (~~((must))~~), a person shall meet the financial eligibility requirements established by the department.

(b) For families to receive services, the total family income (~~((must))~~) shall be at or below the financial eligibility requirements established by the department. Minor children (~~(are)~~) shall not be financially eligible in

their own right. The minor children are part of the family unit.

(c) An adult or family at risk of being placed in a residential care facility is eligible to receive the level of hourly or attendant care chore services as determined by WAC 388-15-212 (~~((who are adult))~~) if he or she is a recipient(~~((s))~~) of:

(i) (~~((Of))~~) Supplemental Security Income and/or state supplementation; or

(ii) (~~((Of))~~) Limited casualty program medical care as defined by RCW 74.09.010 at time of eligibility determination; or

(iii) (~~((Who have))~~) Has gross family income, adjusted for family size, at or below thirty percent of the state median income.

(d) Adult protective services clients are eligible to receive chore services without regard to income, if these services are an integral but subordinate part of the adult protective services plan. These services are limited to a maximum of ninety days during any twelve-month period.

(e) An adult or family with a gross family income over thirty percent of the state median income (SMI)(~~(:)~~) and at risk of being placed in a residential care facility(~~(:)~~) is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore services program. To determine the reduced level, deduct one hour of chore services for each percentage point when income exceeds thirty percent SMI. Deduct an additional hour of service for each percentage point when income exceeds fifty percent SMI. For attendant care, ((payment)) the department shall ((be)) pay a reduced ((an)) amount equivalent to the individual provider program hourly ((unit)) rate.

(f) (~~((Effort))~~) The department shall ((be made)) attempt to obtain chore services from the volunteer chore services program, prior to approval of services by department paid providers, for individuals who are:

(i) At risk of being placed in a residential care facility (~~((and who are))~~),

(ii) Age sixty or over, ((but)) and

(iii) Eligible for five hours per month or less of services.

(g) The department shall refer to the volunteer chore services program individuals who are:

(i) At risk of being placed in a residential care facility (~~((and who are))~~),

(ii) Age sixty or over ((but)), and

(iii) Are not eligible for chore services because of income or need level, or

(iv) Are eligible for a reduced level of service because of income(~~(, shall be referred to the volunteer chore services program))~~ where such program exists for needed hours or services not provided by the department.

(h) Clients or applicants (~~(are)~~) shall not be eligible for chore services if the clients or applicants have resources in excess of ten thousand dollars for one person(~~(:)~~) or fifteen thousand dollars for a two-person

family. Allow another one thousand dollars (~~is at-towed~~) for each additional family member. Adult protective services clients (~~who are~~) receiving chore services as an integral but subordinate part of an adult protective services plan and Supplemental Security Income and/or state supplementation recipients are exempt from the resource requirement in this section. Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is owned or available shall mean property over which the applicant has legal right of control.

The following resources shall be considered in determining the value of a client's or applicant's resources:

- (i) Checking accounts;
  - (ii) Savings accounts;
  - (iii) Certificates of deposit;
  - (iv) Money markets;
  - (v) Negotiable stocks and bonds;
  - (vi) Latest assessed value of lots or property not attached to residence;
  - (vii) Market value of a boat or boats, recreational vehicle or vehicles, or excess automobiles;
  - (viii) Liquid assets: Such as cash, gold, silver, and other items of an investment and negotiable nature.
- (i) The following resources, regardless of value, shall not be considered in determining the value of a client's or applicant's resources:
- (i) A home and lot normal for the community where the client or applicant resides;
  - (ii) Used and useful household furnishings, personal clothing, and one automobile per client;
  - (iii) Personal property of great sentimental value;
  - (iv) Real or personal property used by the applicant or recipient to earn income or to rehabilitate himself or herself;
  - (v) One cemetery plot for each member of the family unit;
  - (vi) Cash surrender value of life insurance.

#### AMENDATORY SECTION (Amending Order 2383, filed 5/30/86)

WAC 388-15-212 SERVICE DETERMINATIONS. (1) Chore services need and amount determination for all applicants and (~~recipients~~) clients of chore services will be made by using the client review questionnaire for each adult.

(2) Department staff will administer the client review questionnaire.

(3) When administering the client review questionnaire, department staff will take into account the client's risk of being placed in a residential care facility and ability to perform activities of daily living, living conditions, and arrangements, and the availability and use of alternative resources, including immediate family, other relatives, neighbors, friends, community programs, and volunteers.

(4)(a) The client review questionnaire is a series of questions designed to determine the client's need for the tasks (~~which are~~) available from the chore program. In

answering each question, either "N," "M," "S," or "T" is circled to indicate the extent of assistance the client needs from the chore program for each task. "N," "M," "S," or "T" are defined as:

(i) N = None: The client is either able to perform this task without help or is already receiving or could receive all the help needed from other sources.

(ii) M = Minimal: The client cannot perform this task without help and needs a minimal amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iii) S = Substantial: The client cannot perform this task without help and needs a substantial amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iv) T = Total: Client is completely unable to perform this task and is not now receiving any help and needs total assistance from the chore program.

(b) Points are awarded for each task based on the degree of assistance needed from the chore services program. The number of points available for each task is set forth in subsection (5) of this section. The point total is converted into maximum allowable hours using the table set forth in subsection (6) of this section. For clients needing attendant care, as defined in subsection (5) of this section, the amount of services authorized is based on the total number of hours per (~~month~~) day the chore service provider must be with the client.

(5) The allowable chore services program tasks, as defined by the department, are scored as follows:

(a) Escort/transport to medical services. The scoring is as follows, based on the need and frequency of service: N = 0, M = 1, S = 2, T = 3.

(b) Essential shopping and errands. The scoring is based on need and frequency of service: N = 0, M = 5, S = 10, T = 15. When the chore provider must perform these tasks for the client because the client is unable to go along, the scoring is N = 0, M = 1, S = 3, and T = 5.

(c) Laundry. The scoring is N = 0, M = 1, S = 2, and T = 3. If there are no laundry facilities in the client's own home, additional points are awarded. The scoring for the additional points is N = 0, M = 3, S = 5, and T = 7.

(d) Splitting/stacking/carrying wood. The scoring is N = 0, M = 3, S = 5, and T = 7. This task is available only to persons who use wood as their sole source of fuel for heat and/or cooking.

(e) Housework. Housework is limited to tasks necessary to protect the client's health and safety and to those areas of the home actually used by the client, i.e., kitchen, bathroom, bedroom, living room, and dining room. The scoring is N = 0, M = 1, S = 2, and T = 3.

(f) Cooking. The scoring is based on the preparation of three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light meal N = 0, M = 4, S = 7, T = 10.

(iii) Main meal N = 0, M = 5, S = 10, T = 15.

(g) Feeding. The scoring is based on feeding three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light meal N = 0, M = 4, S = 7, T = 10.

- (iii) Main meal N = 0, M = 5, S = 10, T = 15.
- (h) Dressing/undressing. The scoring is N = 0, M = 4, S = 7, and T = 10.
- (i) Care of appearance. The scoring is N = 0, M = 1, S = 3, and T = 5.
- (j) Body care. The scoring is N = 0, M = 5, S = 10, and T = 15.
- (k) Bed transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.
- (l) Ambulation. The scoring is N = 0, M = 4, S = 7, and T = 10.
- (m) Wheelchair transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.
- (n) Bathing. The scoring is N = 0, M = 4, S = 7, and T = 10.
- (o) Toileting. The scoring is N = 0, M = 5, S = 10, and T = 15.
- (p) Remind to take medicines. The scoring for reminding to take medication is N = 0, M = 1, S = 2, and T = 3.

(q) Family care. The family care question takes into consideration the ages, number, level of responsibility of the children, and the presence of a spouse when determining the need for chore services.

(i) Family housework determines the need for additional help cleaning the household because of the presence of children.

(ii) Family tasks determines the need for escort and transportation, laundry services, meal preparation and shopping, and bathing and dressing for the client's children.

(iii) Supervision of children determines the need for physical supervision of the children(=) when the client is in the home, but unable to supervise them.

(iv) The total scoring for the above are N = 0, M = 14, S = 27, and T = 40.

(r) Attendant care for adults/supervision of children.

(i) Attendant care for adults (~~((determines that the chore provider is available to help a))~~ is authorized when the client ((who)) requires assistance with such unscheduled tasks as toileting, ambulation, and wheelchair transfer or supervises or watches a client who cannot safely be left alone. Protective supervision may be necessary when a person may hurt himself or herself, others, or damage property if left alone, or is confused and may wander away, turn on a stove and forget to turn it off, or becomes easily disoriented. The chore service provider performs any household or personal care tasks or gives assistance with activities of daily living during the authorized attendant care hours. The scoring and authorization are based on the number of days per month and hours per day during which the chore service provider must be with a client in need of attendant care. The client or applicant shall provide verification of the need for attendant care by producing a statement from the client's or applicant's physician.

(ii) Supervision of children (~~((determines the need for supervision of children))~~ may be authorized only when the client is temporarily absent from the home because of hospitalization and all possible resources have been explored to provide the necessary supervision. This absence must not exceed two weeks during any six-month

period. Refer to WAC 388-15-209 (1)(c)(iv). This question is not scored. The number of days and the number of hours per day that the children need supervision is recorded. ((The monthly)) Authorization is based on the total number of hours required each day for supervision. The chore service provider performs household and personal care tasks for the children during the hours of supervision. ((Supervision of children when the client is absent from the home must not exceed two weeks during any six-month period.))

(6) Except for cases where attendant care for adults or supervision of children when the client is temporarily absent ((are)) is required, as defined in subsection (5)(r) of this section, the amount of hours of chore services authorized per month shall be determined by translating the total number of points awarded on the client review questionnaire into a monthly authorization, utilizing the following CRQ authorization ceiling chart:

CRQ SCORE	CEILING HOURS PER MONTH
1 - 4	5
5 - 9	8
10 - 14	11
15 - 19	14
20 - 24	18
25 - 29	21
30 - 34	24
35 - 39	28
40 - 44	31
45 - 49	34
50 - 54	37
55 - 59	41
60 - 64	44
65 - 69	47
70 - 74	51
75 - 79	54
80 - 84	57
85 - 89	60
90 - 94	64
95 - 99	67
100 - 104	70
105 - 109	74
110 - 114	77
115 - 119	80
120 - 124	83
125 - 129	87
130 - 134	90
135 - 139	93
140 - 144	97
145 - 149	100
150 - 154	103
155 - 159	106
160 - 164	110
165 - 169	113
170 and above	116

The department may authorize fewer hours according to the client's individual circumstances and the provisions under WAC 388-15-215(8). Attendant care for adults and supervision of children when the client is temporarily absent are authorized for the number of days per month and hours per day the services are required.

(7) The client or applicant may request approval from the department to exceed the ceiling hours authorized per month, as determined in subsection (6) of this section. The department shall authorize the number of additional hours not to exceed one hundred sixteen hours per month per client in the hourly program when:

(a) There are circumstances of a demonstrated duration, frequency, or severity which require additional hours of allowable chore services to avoid adverse effects to his or her health or safety; and

(b) The need for additional hours is specific and clearly measurable.

(c) Funds are available under provisions of WAC 388-15-215(11).

(8) All clients or applicants shall be informed in writing of the process as defined in subsection (7) of this section and shall have the right to request from the department approval to exceed the authorized hours as set forth in subsection (6) of this section.

(9) When the department denies a request for additional hours or makes approval for fewer additional hours than requested, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(10) Chore services may be provided either through the individual provider program or through the contracted program, as deemed most appropriate by department policy established by the state office.

AMENDATORY SECTION (Amending Order 2361, filed 4/2/86)

WAC 388-15-213 PAYMENT. (1) Payment may be made for services performed by a relative, but payment to a spouse, father, mother, son, or daughter ~~((can))~~ may be made only when the person:

(a) Has to give up paid employment (more than thirty hours per week) to give the service, or

(b) Would otherwise need to take paid employment (more than thirty hours per week), or

(c) Would otherwise be financially eligible to receive general assistance to meet his or her own need.

(2) Payment to the spouse providing chore services to an incapacitated, eligible client shall not exceed the amount of a one-person standard for a continuing general assistance grant plus increase required by the legislature. Refer to WAC 388-29-100 for grant standards.

(3) In the contracted program, payment is made to the contractor who directly pays the chore provider. ~~((f))~~ Refer to WAC 388-15-208. ~~((g))~~

(4) In the individual provider program, payment is made to the client who pays the chore provider. ~~((f))~~ Refer to WAC 388-15-208. ~~((g))~~

(a) An hourly wage is paid for the actual number of hours worked on all chore services tasks (maximum of one hundred sixteen hours per month per client), except for attendant care for adults and supervision of children when the client is temporarily absent. ~~((i)) The hourly wage rate must at least comply with federal minimum wage guidelines. ((ii))~~ The ~~((maximum))~~ hourly wage rate shall ~~((not exceed three))~~ be four dollars and ~~((ninety-five))~~ seventy-six cents per hour beginning September 1, 1987.

(b) A daily ~~((or monthly))~~ rate is paid for attendant care for adults and supervision of children. The daily ~~((or monthly))~~ rate is determined by the service worker after discussion with the client and chore service provider, but the rate shall not exceed the lesser of the following, a maximum of ~~((five hundred fifty-five))~~ twenty-three dollars per ~~((month))~~ day or the amount determined by the table as follows:

~~((MONTHLY))~~ DAILY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY	<del>((BASE MONTHLY)) ((RATE))</del>
<del>((6))</del> <u>21</u> - 24 up to \$ <del>((18.50))</del> <u>23.00</u>		<del>((up to \$550))</del>
16 - 20 up to \$ <del>((16.50))</del> <u>19.00</u>		<del>((up to \$495))</del>
8 - 11 up to \$ <del>((13.50))</del> <u>16.50</u>		<del>((up to \$405))</del>
4 - 7 up to \$ <del>((9.00))</del> <u>11.50</u>		<del>((up to \$270))</del>
<del>((2))</del> <u>1</u> - 3 up to \$ <del>((6.00))</del> <u>7.50</u>		<del>((up to \$180))</del>
<del>((1))</del> up to \$ <u>3.40</u>		<del>((up to \$102))</del>

Up to ~~((seventy-five))~~ five dollars per ~~((month))~~ day is added for each additional client authorized for service in the household.

(c) An individual provider program eligible client or applicant may request approval from the department to exceed the maximum daily ~~((or monthly))~~ rate set by the department. The department shall authorize a higher payment rate necessary to maintain the client or applicant in his or her own home when:

(i) The need for the higher payment is specific and clearly measurable; and

(ii) The client or applicant provides documentation that services are not available at the established maximum payment rate; and

(iii) The client or applicant has made a reasonable effort to find a qualified provider at the established maximum payment rate; and

(iv) The total cost for ~~((the chore))~~ attendant care services does not exceed the lesser of the following, a maximum of ~~((seven hundred sixty-five))~~ thirty dollars per day, or the amount determined by the table in subsection (4)(b) of this section as follows:

HOURS OF SERVICE PER DAY	ADDITIONAL PAYMENT PER DAY	((ADDITIONAL)) ((MONTHLY)) ((PAYMENT))
<del>((30 DAYS PER MONTH))</del>		
((16)) 21 - 24 up to \$7		((up to <del>\$210</del> ))
16 - 20 up to \$6		
12 - 15 up to \$5		((up to <del>\$150</del> ))
8 - 11 up to \$4		((up to <del>\$120</del> ))
4 - 7 up to \$3		((up to <del>\$90</del> ))
((2)) 1 - 3 up to \$2		((up to <del>\$60</del> ))
	1 up to \$1	up to <del>\$30</del> )

(d) All clients or applicants shall be informed in writing of the process as defined in subsection (4)(c) of this section and shall have the right to request approval from the department to exceed the maximum ((monthly;)) daily((;)) or hourly rate.

(e) When the department denies a request to exceed the maximum payment rates or makes approval at a lesser rate than requested by the client or applicant, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(f) When the client provides board and room or meals to the chore provider, the department may make a payment to partially reimburse the cost of this expense. Payment is not made for a spouse provider. The payment shall not exceed an allowance established by the department and shall be prorated by days of service.

(g) Payment is made only after service delivery has been verified.

**WSR 87-22-014  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 2551—Filed October 26, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Employment and training—Work incentive, amending chapter 388-57 WAC.

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 this rule is necessary to include reference to the Washington employment OPPORTUNITIES program which was effective April 1, 1986, and to comply with the Code of Federal Regulations, 45 CFR, parts 240.10 and 240.22.

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

This rule is promulgated pursuant to RCW 74.04.050 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 October 23, 1987.

By Leslie F. James, Director  
Administrative Services

NEW SECTION

**WAC 388-57-074 OPPORTUNITIES PROGRAM—EXEMPTION AND HEARINGS.** (1) An AFDC applicant and/or recipient, claiming to be exempt from ESP/CWEP participation or WIN registration, shall be considered exempt until status is finally determined.

(2) DSHS has jurisdiction to conduct hearings on appeals by individuals claiming to be exempt from:

(a) ESP participation required of AFDC applicants and recipients,

(b) CWEP participation required of AFDC recipients, and

(c) WIN (OPPORTUNITIES) registration required of AFDC recipients.

(3) DSHS has jurisdiction to conduct hearings on appeals by individuals:

(a) Requesting a grievance hearing over an issue with either ESD or DSHS OPPORTUNITIES while participating in ESP, CWEP, or EPP,

(b) Contesting sanction (AFDC grant change or denial) for failure to participate while assigned to ESP or CWEP under the OPPORTUNITIES program; and

(c) Contesting an AFDC grant change as a result of a WIN sanction (deregistration by ESD from the OPPORTUNITIES program).

(4) ESD has jurisdiction to conduct hearings on appeals by individuals:

(a) Requesting a grievance hearing over an issue with either ESD or DSHS OPPORTUNITIES regarding WIN services or required WIN activity under the OPPORTUNITIES program,

(b) Contesting a WIN sanction (deregistration by ESD from the OPPORTUNITIES program), and

(c) Contesting a refusal by OPPORTUNITIES staff to register an individual following a WIN sanction.

AMENDATORY SECTION (Amending Order 2147, filed 8/29/84, effective 10/1/84)

**WAC 388-57-100 EMPLOYMENT SEARCH PROGRAM (ESP).** The employment search program (ESP) is authorized ((under Public Law 97-248, 96 Stat. 324, 42 U.S.C. 1302 and as further provided)) by the Social Security Act, Title IV, Part A, and in 45 CFR 240. ESP is a job-seeking activity.

(1) ((The purpose of this program is to reduce welfare dependency by assisting individuals in obtaining regular unsubsidized employment.

(2) As a condition of eligibility for)) All AFDC applicants and recipients ((who are determined job ready by WIN or E&T)) shall, as a condition of eligibility, participate ((in)) when assigned to the employment

search program, unless exempt under WAC 388-24-107.

(a) ~~For an initial period((:)), an individual((s)) assigned to the employment search program shall ((be required to)) participate in the program for up to ((eight)) fifty-six consecutive ((weeks)) days from the date a written request for AFDC is made.~~

(b) ~~Individuals completing the initial ((eight-week)) fifty-six-day participation shall be subject to an additional ((eight-week)) forty-day participation in any subsequent twelve-month period.~~

~~((c) The first such period of twelve consecutive months shall begin at any time following the close of the initial period in (a) of this subsection.~~

~~(3) Exemptions and sanctions shall be the same as prescribed in WAC 388-57-064 (1), (2), (3), (4), and (7).~~

~~(4) Nothing in this section shall restrict WIN program employment search requirements, providing that:~~

~~(a)) (2) No individual shall be subject to concurrent job search requirements in WIN and the employment search program((, and)).~~

~~((b) No individual shall be subject to any sanction for failure to participate in one program in this section if he/she is actively and satisfactorily participating in the other program:))~~

~~(3) The department shall provide child care and transportation expenses needed for participation in ESP if not otherwise available.~~

~~(4) ESP participants shall conduct job search according to a written plan. The plan shall specify the minimum number of work search days per week and the number of employer contacts per work search day.~~

~~(5) DSHS has administrative and adjudicatory responsibility for ESP.~~

#### NEW SECTION

WAC 388-57-105 TITLE IV-A EMPLOYMENT PROGRAMS—COMPLAINTS AND GRIEVANCES. (1) WAC 388-57-105 applies to issues initiated by individuals assigned to ESP or CWEP having not refused or failed to participate. This section also applies to any EPP participant having a grievance.

(2) Complaints and grievances may include, but are not limited to, issues filed with:

(a) ESD OPPORTUNITIES regarding job search services and directives, particular job referrals, CWEP referrals, transportation allowances, alleged discrimination in placements, or EPP arrangements; and

(b) DSHS OPPORTUNITIES regarding assignment to ESP or CWEP, or provision of employment-related social services.

(3) Local DSHS or ESD management receiving the grievance shall pursue resolution in accordance with standard grievance procedures, as contained in WAC 388-33-389.

(4) The aggrieved participant shall further be informed of the right to request a DSHS fair hearing if dissatisfied.

(5) A participant shall not be relieved of required participation pending the results of a filed grievance or request for a grievance hearing.

#### NEW SECTION

WAC 388-57-112 TITLE IV-A EMPLOYMENT PROGRAMS—FAILURE TO PARTICIPATE. (1) This section applies to nonexempt individuals failing to participate without good cause while assigned to ESP or CWEP. The department shall decide whether failure to participate in ESP or CWEP exists.

(2) Failure to participate shall include, but is not limited to, failure to:

(a) Appear for two appointments with OPPORTUNITIES staff;

(b) Appear for one appointment with other than OPPORTUNITIES staff when referred for employment-related activity, including social services;

(c) Accept or continue a work experience assignment under CWEP;

(d) Conduct required job search or accept an offer of employment under ESP;

(e) Accept or continue social services needed for participation; or

(f) Retain a CWEP assignment due to the participant's misconduct.

#### NEW SECTION

WAC 388-57-115 TITLE IV-A EMPLOYMENT PROGRAMS—SANCTION. (1) A IV-A sanction is the denial or termination of AFDC due to ineligibility because of failure to participate while in ESP or CWEP status.

(2) A nonexempt individual failing to participate in ESP without good cause while an applicant shall be sanctioned by denial of AFDC. WAC 388-57-117 shall apply until the individual reapplies for AFDC.

(3) A nonexempt AFDC recipient failing to participate in ESP or CWEP without good cause shall be sanctioned as follows, in accordance with WAC 388-57-117:

(a) For the first occurrence, the sanction shall be for three payment months;

(b) For the second or subsequent occurrence, the sanction shall be for six payment months; and

(c) The sanction shall begin on the first day of the first payment month the sanctioned individual's needs can be removed from the AFDC grant, after DSHS financial services receives notification of failure to participate without good cause.

#### NEW SECTION

WAC 388-57-116 TITLE IV-A EMPLOYMENT PROGRAMS—GOOD CAUSE. (1) This section applies to participants in CWEP, ESP, and EPP.

(2) The department shall attempt to determine good cause prior to initiating sanction for refusal or failure to participate in CWEP or ESP.

(3) The following conditions when verified shall constitute good cause for refusal or failure to participate in ESP, CWEP, or EPP:

(a) Physical, mental, or emotional inability to perform the required activity;

(b) Court-ordered appearance or temporary incarceration;

- (c) Family or individual emergency or crisis;
- (d) Breakdown in transportation arrangements, with no readily accessible alternate transportation;
- (e) Inclement weather preventing the individual and others similarly situated from traveling to or participating in the prescribed activity;
- (f) Breakdown in child care arrangements, or child care not available to the single-parent AFDC household;
- (g) The nature of the required activity would be hazardous to the participant;
- (h) The wages of the employment do not meet minimum wage standards or are not customary for such work in the community. This does not apply to CWEP, as participants do not receive a wage;
- (i) The job is available because of a labor dispute;
- (j) Refusal to accept major medical treatment (e.g., major surgery) needed for employability; and
- (k) Refusal by an AFDC-E qualifying parent to accept employment of one hundred hours or more per month, the wages for which, less mandatory payroll deductions and necessary work-related expenses, would not equal or exceed the family's AFDC cash benefits. This does not apply to CWEP, which does not involve wages.

#### NEW SECTION

#### WAC 388-57-117 OPPORTUNITIES PROGRAM—EFFECT OF SANCTION ON AFDC. (1)

This section applies to:

- (a) Nonexempt AFDC applicants sanctioned under ESP or WIN; and
  - (b) Nonexempt AFDC recipients sanctioned under WIN, ESP, or CWEP.
- (2) The entire family shall be ineligible for AFDC if the sanctioned individual is:
- (a) The only dependent child in the assistance unit, or
  - (b) The unemployed parent qualifying the family for AFDC-E.
- (3) The sanctioned individual's needs shall not be considered in determining the family's need for assistance if the sanctioned person is:
- (a) One of two or more dependent children on the grant, or
  - (b) The parent other than the qualifying parent on AFDC-E.
- (4) If the sanctioned individual is the caretaker relative on an AFDC-R grant:
- (a) The sanctioned individual's needs shall not be considered in determining the family's need for assistance, and
  - (b) Assistance to the remaining eligible family members shall be provided by protective payment as specified in WAC 388-33-450.

WSR 87-22-015

EMERGENCY RULES

#### DEPARTMENT OF NATURAL RESOURCES

[Order 531—Filed October 26, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the restriction of access to, and activities on, forest lands in Western Washington.

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 prolonged drought has brought about extreme fire weather conditions which necessitate the closing of certain forest lands to prevent a wildfire from occurring whereby life or property could be lost. Extremely dry fuels and a continued occurrence of wildfire make these restrictions necessary.

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

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.325 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 October 26, 1987.

By Brian J. Boyle  
Commissioner of Public Lands

#### NEW SECTION

WAC 332-26-500a FOREST CLOSURE. (1) Effective midnight, Monday, October 26, 1987, through midnight, Monday, November 2, 1987, all access to forest land and all activities on forest land, protected by the Department of Natural Resources, are prohibited in Wahkiakum, Cowlitz, Clark and Skamania counties. All persons are excluded from forest lands except those persons present in the interest of fire protection.

(2) Effective midnight, Monday, October 26, 1987 through midnight, Monday, November 2, 1987, the following restrictions shall apply to all forest lands protected by the Department of Natural Resources in Whatcom, Skagit, Snohomish, King, Pierce, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Thurston, Lewis, Pacific, San Juan, and Island counties:

(a) All access to and activities on forest land are prohibited between the hours of 2 pm and one hour before daylight, local time. During this time period, all persons are excluded from forest lands except those persons present in the interest of fire protection;

(b) No overnight camping is allowed on forest land except in approved campgrounds such as state, county, municipal and recognized private campgrounds. Department of Natural Resources campgrounds are not considered approved campgrounds;



(c) All industrial operations shall cease operation when the relative humidity reaches 30%.

### REPEALER

The following section of the Washington Administrative Code is repealed:

1. WAC 332-26-500 Forest Closure.

**WSR 87-22-016**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC WORKS BOARD**  
 [Memorandum—October 26, 1987]

The Public Works Board, by motion at its regular meeting on Tuesday, October 6, 1987, took the following action:

The Public Works Board will hold the next regular meeting beginning at 8:30 a.m. on Tuesday, December 1, 1987, Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, (206) 246-8600.

**WSR 87-22-017**  
**ADOPTED RULES**  
**LIQUOR CONTROL BOARD**

[Order 232, Resolution No. 241—Filed October 27, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Class H hotels and Class H clubs with overnight sleeping accommodations—Sales by the bottle to registered guests—Conditions, WAC 314-16-115.

This action is taken pursuant to Notice No. WSR 87-19-107 filed with the code reviser on September 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 under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

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

APPROVED AND ADOPTED October 27, 1987.

By Robert D. Hannah  
 Member of the Board

AMENDATORY SECTION (Amending Order 188, Resolution No. 197, filed 5/28/86)

WAC 314-16-115 CLASS H HOTELS AND CLASS H CLUBS WITH OVERNIGHT SLEEPING ACCOMMODATIONS—SALES BY THE BOTTLE

TO REGISTERED GUESTS—CONDITIONS. (1) Pursuant to the provisions of RCW 66.24.400 as amended by chapter ((208)) 196, Laws of ((1986)) 1987, Class H licensed hotels and clubs licensed under chapter 70.62 RCW with overnight sleeping accommodations may sell liquor by the bottle to registered guests of said hotel or club who are twenty-one years of age or over provided:

(a) That before a guest may purchase such liquor it must be established that he or she is a guest of the hotel or club. This may be done by showing a room key bearing the room number and name of the hotel or club, or by presenting a registration receipt from the hotel or club.

In either event the guest must acknowledge his/her registration by signature upon a form to be provided by the hotel or club for this purpose, and said form when completed shall be kept by the hotel or club for the same time period it is required to retain its registration information.

(b) Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

(c) That any bottle of liquor sold under this section must be removed unopened from the lounge area or other approved dispensing area. The contents of such bottle(s) may be consumed only in a guest, hospitality or banquet room of the hotel or club; however, guests may remove from the premises any unused portion of such liquor in its original container.

(d) That such sales of liquor by the bottle shall be from the lounge of the licensed premises, from an approved dispensing area or by room service provided by the licensee. If an approved dispensing area is used for this purpose, the access thereto must be limited to registered guests who intend to purchase liquor for use within a guest, hospitality or banquet room.

(2) Class H licensed hotels or clubs may sell within the individual guest room liquor by the bottle to registered guests age twenty-one years or over provided;

(a) That such liquor shall be secured in a liquor dispensing cabinet within the guest room. That liquor dispensing cabinets must remain locked whenever the room is rented to a guest under the age of twenty-one years.

(b) That access to individual guest room liquor dispensing cabinets shall be by key, magnetic card or similar device provided by the hotel or club to the adult registered guest.

(c) That liquor made available for sale within the guest room from a liquor dispensing cabinet shall be packaged in individual serving containers such as miniatures of distilled spirits, splits of wine and bottles or cans of malt beverages.

(d) That replenishment of such liquor dispensing cabinets may be made only during those hours when liquor may be sold by the Class H licensee, and only by employees eighteen years of age or over working under the supervision of an employee at least age twenty-one.

(3) Class H licensed hotels or clubs may provide a dispensing area removed from the lounge for the purpose of sales to registered guests of legal age. Such area shall

not be accessible to anyone other than registered guests and employees of the Class H licensee. Sales therefrom shall be made only by authorized employees of the licensee who are twenty-one years of age or over. The purchaser shall complete a form provided by the licensee which attests to the validity of the guest's registration at that hotel or club. Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

**WSR 87-22-018**  
ADOPTED RULES  
**LIQUOR CONTROL BOARD**

[Order 233, Resolution No. 242—Filed October 27, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Dispensing apparatus and containers—Furnishing of certain devices, WAC 314-16-020.

This action is taken pursuant to Notice No. WSR 87-19-108 filed with the code reviser on September 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 under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

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

APPROVED AND ADOPTED October 27, 1987.

By Robert D. Hannah  
Member of the Board

**AMENDATORY SECTION** (Amending Rule 17, filed 6/13/63)

**WAC 314-16-020 DISPENSING APPARATUS AND CONTAINERS—FURNISHING OF CERTAIN DEVICES.** (1) No retail licensee shall draw any beer from any faucet, spigot or other dispensing apparatus unless the brand name of the beer drawn shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus. Brewers and beer wholesalers may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer wholesaler. Brewers and beer wholesalers may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer wholesaler: **PROVIDED**, That said openers do not bear any brand name or the name of any beer manufacturer or wholesaler or liquor advertising of any kind.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on the licensed premises shall be truly labeled with the brand name, type and manufacturer's name of said wine. Wineries and wine wholesalers may furnish said labels and "tap marking devices" or container marking devices to retail dispensers as hereinabove provided at a nominal value or cost to the winery or wine wholesaler (~~not to exceed forty cents each~~)).

**WSR 87-22-019**  
ADOPTED RULES  
**DEPARTMENT OF LICENSING**  
[Order PM 688—Filed October 27, 1987]

I, Robert Van Schoorl, assistant director of the Business and Professions Administration, Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to dispensing opticians, new section WAC 308-26-025, examination appeal procedures.

This action is taken pursuant to Notice No. WSR 87-13-042 filed with the code reviser on June 15, 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 43.24.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 26, 1987.

By Robert Van Schoorl  
Assistant Director

**NEW SECTION**

**WAC 308-26-025 EXAMINATION APPEAL PROCEDURES.** (1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the dispensing optician examining committee of his or her examination results. This request must be in writing and must be received by the department within thirty (30) days of the postmark of notification of the examination results. The committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the Department of Licensing office in Olympia for an appointment to appear personally to review incorrect answers on the written portion of failed

examination, and score sheets on the failed practical portion of the examination.

(b) The candidate will be provided a form to complete in the Department of Licensing office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining committee.

(e) The candidate may not bring in notes or texts for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining committee will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the dispensing optician examining committee pursuant to the administrative procedures act. Such written request for hearing must be received by the Department of Licensing within twenty (20) days of the postmark of the result of the committee's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

- (a) The simplification of issues;
- (b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;
- (c) The possibility of obtaining stipulations, admission of facts and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and,
- (f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or

simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

### WSR 87-22-020

#### ADOPTED RULES

#### DEPARTMENT OF AGRICULTURE

[Order 1956—Filed October 27, 1987]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to custom meat facilities, chapter 16-23 WAC.

This action is taken pursuant to Notice No. WSR 87-15-106 filed with the code reviser on July 22, 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 16.49 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 October 27, 1987.

By Michael V. Schwisow  
Deputy Director

#### Chapter 16-23 WAC CUSTOM MEAT FACILITIES

WAC	
16-23-010	Definitions.
16-23-020	Maintaining sanitary premises.
16-23-025	Sufficient light.
16-23-030	Adequate ventilation.
16-23-035	Adequate drainage.
16-23-040	Water supply.
16-23-045	Hot water.
16-23-050	Impervious surfaces.
16-23-060	Refrigerated facilities.
16-23-070	Lavatory facilities.
16-23-075	Flush toilets and dressing room facilities.
16-23-085	Rooms, compartments, etc., to be clean and sanitary.
16-23-090	Operations and procedures to be clean and sanitary.

16-23-095	Rooms and compartments to be free from dust and odors.
16-23-100	Rooms and compartments to be free of steam and vapors.
16-23-105	Cleaning characteristics of equipment.
16-23-110	Scabbards for knives.
16-23-115	Persons to keep hands and implements clean.
16-23-120	Clean clothing.
16-23-125	Insanitary practices prohibited.
16-23-150	Flies, rats and other vermin - baits and poisons.
16-23-160	Care of outer premises.
16-23-165	Employee health.
16-23-170	Proof of ownership of uninspected carcasses or parts of carcasses by the operator.
16-23-175	Labeling and packaging requirements.
16-23-180	Meat and meat food products—Preparation and storage.

### NEW SECTION

WAC 16-23-010 DEFINITIONS. For the purpose of these rules:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal.

(2) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department or the director's designee.

(5) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat.

(6) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(7) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.

(8) "Meat food animal" means cattle, swine, sheep, or goats.

(9) "Meat food product" means any product derived from meat food animal and intended for human consumption.

(10) "Operator" includes any owner, lessee, or manager of a custom meat facility.

(11) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, any member, officer, or employee thereof or assignee for the benefit of creditors.

(12) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

(13) "Uninspected meat" means carcasses or parts thereof of meat food animals slaughtered or processed for human consumption other than under requirements provided in chapter 16.49A RCW or a federal meat inspection act which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

(14) "Unwholesome" means a condition in which meat or meat food products may be found to be diseased, contaminated, unsound, unhealthful.

(15) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act and packaged and sealed in a container or wrapping bearing the seal of federal inspection.

(16) "Sanitize" means an effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to reduce the bacterial count, including pathogens, to a safe level.

### NEW SECTION

WAC 16-23-020 MAINTAINING SANITARY PREMISES. Establishments or premises on or in which meat food products are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-23-025 through 16-23-165 will be deemed necessary for minimum sanitary conditions.

### NEW SECTION

WAC 16-23-025 SUFFICIENT LIGHT. There shall be sufficient light consisting of artificial illumination in all operating rooms.

### NEW SECTION

WAC 16-23-030 ADEQUATE VENTILATION. There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors.

### NEW SECTION

WAC 16-23-035 ADEQUATE DRAINAGE. There shall be a sufficient number of drains to carry off waste accumulations and water and be properly vented to the outside air. Unless otherwise specified in these regulations, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Officials Association, Uniform Plumbing

Code. Waste disposal facilities shall conform to the requirements of local agency having jurisdiction. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from custom processing plant drainage lines to a point outside the buildings and drainage from toilet bowls and urinals should not be discharged into a grease catch basin.

#### NEW SECTION

**WAC 16-23-040 WATER SUPPLY.** There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States public health services, department of health, education and welfare. Such water potability tests shall be conducted at least on six month intervals on private water supplies and yearly on publicly owned water supplies. The water system for any custom meat facility shall conform to the applicable requirements of the jurisdictional health department.

#### NEW SECTION

**WAC 16-23-045 HOT WATER.** The following shall be provided:

- (1) Hot water sufficient in amount and temperature to assure thorough cleaning of all rooms and equipment.
- (2) Hose connections for cleanup purposes at such places as are necessary to assure thorough cleaning of all rooms and equipment. Suitable racks or reels for storing the hose when not in use.

#### NEW SECTION

**WAC 16-23-050 IMPERVIOUS SURFACES.** Floors in rooms in which flushing of the floors with water is required for adequate cleaning must be constructed of impervious material susceptible to proper cleaning such as, but not limited to, concrete or tile. They must be finished so as to enable proper cleaning. Walls and ceilings in operating departments must be surfaced with a material which is susceptible to being properly cleaned. Wooden structures are absorbent and difficult to keep clean, hence their use must be kept at a minimum. Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be sealed. All exposed wood surfaces must be smooth and painted or properly sealed.

#### NEW SECTION

**WAC 16-23-060 REFRIGERATED FACILITIES.** (1) Adequate refrigerated facilities for the chilling and storage of products shall be provided. Carcass chill coolers and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system

must be installed beneath the coils. In no event shall the clearance between a hanging carcass and the floor be less than that necessary to avoid contact with or contamination from the floor.

(2) Meat food product storage and display facilities shall not be loaded to exceed their intended capacity to maintain fresh and cured products, stored in them, below 45°F internal temperature and frozen meat food product below 0°F internal temperature.

(a) Such refrigeration facilities shall be equipped with a visible, accurate thermometer located in the warmest part of the refrigerated area.

(b) Uninspected meat food product shall not be stored in facilities used for displaying inspected meat held for sale.

#### NEW SECTION

**WAC 16-23-070 LAVATORY FACILITIES.** Foot operated lavatory facility shall be maintained at such places as necessary to assure cleanliness for all persons handling meat products. Such facilities shall include hot and cold running water, liquid soap, and towels shall be maintained in a clean and sanitary condition.

#### NEW SECTION

**WAC 16-23-075 FLUSH TOILETS AND DRESSING ROOM FACILITIES.** A modern conveniently located flush type toilet shall be furnished. Such facilities must be fly tight and properly ventilated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight, full height self-closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided.

#### NEW SECTION

**WAC 16-23-085 ROOMS, COMPARTMENTS, ETC., TO BE CLEAN AND SANITARY.** Rooms, compartments, food contact surfaces places, equipment, and utensils used for preparing, storing, or otherwise handling any meat, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. There shall be no handling or storing of material which create an objectionable condition in rooms, compartments, or places where meat is prepared, stored or otherwise handled.

#### NEW SECTION

**WAC 16-23-090 OPERATIONS AND PROCEDURES TO BE CLEAN AND SANITARY.** Operation and procedures involving the preparation, storing or handling of any meat shall be strictly in accord with clean and sanitary methods.

(1) Receptacles used for inedible meat in rooms in which edible products are handled shall be in good repair and shall be properly sanitized before being used.

(2) Carcasses or parts of carcasses of uninspected meat not returned to the owner thereof shall be properly

denatured and properly disposed of. Inspected carcasses or parts of carcasses not intended for human consumption shall be denatured before disposal.

(3) Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Thirty inches of rail space should be allowed for each beef carcass and eighteen inches of rail space allowed for each hog carcass.

#### NEW SECTION

WAC 16-23-095 ROOMS AND COMPARTMENTS TO BE FREE FROM DUST AND ODORS. The rooms and compartments in which any meat is prepared or handled shall be free from dust and odors from dressing and toilet rooms and catch basins.

#### NEW SECTION

WAC 16-23-100 ROOMS AND COMPARTMENTS TO BE FREE OF STEAM AND VAPORS. Rooms and compartments in which any product is processed or prepared shall be kept sufficiently free of steam and vapors to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored shall be kept reasonably free from moisture.

#### NEW SECTION

WAC 16-23-105 CLEANING CHARACTERISTICS OF EQUIPMENT. Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic materials.

#### NEW SECTION

WAC 16-23-110 SCABBARDS FOR KNIVES. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust resisting metal or other impervious materials and shall be of a type that may be readily cleaned and shall be kept clean.

#### NEW SECTION

WAC 16-23-115 PERSONS TO KEEP HANDS AND IMPLEMENTS CLEAN. Persons who handle diseased carcasses or parts shall, before handling other carcasses or parts, cleanse their hands with soap and hot water and rinse them in clean water. Implements used shall be thoroughly cleansed in boiling water or in a prescribed disinfectant followed by rinsing in clean water. The persons who handle meat shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of meat.

#### NEW SECTION

WAC 16-23-120 CLEAN CLOTHING. Aprons, frocks, and other outer clothing worn by persons who handle products shall be cleanable material. Only clean garments shall be worn.

#### NEW SECTION

WAC 16-23-125 INSANITARY PRACTICES PROHIBITED. Such practices as spitting on whetstones, sitting on the floor, placing skewers, tabs or knives in the mouth are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other material. All persons working in departments where exposed edible meat is handled must wear head coverings.

#### NEW SECTION

WAC 16-23-150 FLIES, RATS AND OTHER VERMIN - BAIT AND POISONS. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin. All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen or effective air curtains. Louvers may be screened only on the top of the baffle so that debris will not collect. Sprays containing residual acting chemicals must not be used in edible products departments. The use of poisons for any purpose in rooms or compartments where any unpacked meats are stored or handled is forbidden, except under such restrictions as the department may specifically allow. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So called rat viruses shall not be used in any part of an establishment or the premises thereof.

#### NEW SECTION

WAC 16-23-160 CARE OF OUTER PREMISES. The outer premises of every establishment embracing docks and areas where vehicles are loaded and the driveways, approaches, and yards shall be kept clean and in orderly condition.

#### NEW SECTION

WAC 16-23-165 EMPLOYEE HEALTH. (1) No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat is processed, stored, or sold when such person is infected with any disease or conditions transmissible to or through food. The department may require any person so working to be examined by a physician licensed to practice medicine in this state for the existence of any such disease or condition and require a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a custom meat facility who may contribute to the transmission of infectious disease through the nature of the employee's contact with meat or equipment and facilities shall obtain and

place on file with the person in charge of such establishment, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW.

#### NEW SECTION

**WAC 16-23-170 PROOF OF OWNERSHIP OF UNINSPECTED CARCASSES OR PARTS OF CARCASSES BY THE OPERATOR.** The operator of any custom meat facility shall have in his possession certificates of permit as provided by chapter 16-620 WAC or other satisfactory proof of ownership of all uninspected carcasses or parts thereof received in his establishment, and such proof of ownership must be kept on file for a period of six months after receipt of such carcasses or parts of carcasses.

(1) All uninspected cattle carcasses or parts of carcasses shall be identified by a department approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identity shall conform to the requirements of chapter 16.57 RCW.

(2) All uninspected meat food animal carcasses or parts of carcasses other than cattle must be identified as to name and address of the owner, name and address of the slaughterer if different than the owner, and the slaughter date while in the possession of the operator.

(3) Each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparing will be furnished by the operator a written record stating the gross weight received for preparing. A duplicate copy of this record will be maintained by the operator at his principle place of business for a period of at least six months.

(4) Operators making sales of prepackaged inspected meat to other than household users shall maintain records of all such transactions as to buyer, type of product sold and total net weight of each exchange.

#### NEW SECTION

**WAC 16-23-175 LABELING AND PACKAGING REQUIREMENTS.** (1) All uninspected meat and meat food products stored or prepared for the owner thereof, including packages or containers containing any uninspected meat food products, shall be marked "NOT FOR SALE" in letters 3/8 inch in height immediately upon receipt and immediately after preparing.

(2) All meat food product labels and meat food product packaging must conform to applicable sections of chapter 19.94 RCW, The Weights and Measures Act and chapter 69.04 RCW, The Food and Drug Act now in effect or as amended and regulations promulgated thereunder or amended.

(a) Meat food products shall be deemed mislabeled if offered for sale before the package containing the product bears a label containing the common or usual name of the product, an accurate statement of quantity of the contents expressed as "net weight", and the total

price of the package. If fabricated from two or more ingredients, the common name of each ingredient in descending order of prominence and the name and address of the manufacturer is required.

(b) The standards of content and advertising for chopped or ground beef or hamburger are those contained in chapter 16-49 WAC.

#### NEW SECTION

**WAC 16-23-180 MEAT AND MEAT FOOD PRODUCTS—PREPARATION AND STORAGE.** (1) Inspected meat and uninspected meat shall be stored and prepared separately at all times. Meat storage areas shall be designated for inspected and uninspected meat and meat food products. There shall be no physical contact between inspected and uninspected meat.

(2) There shall be a complete equipment cleanup after preparation of uninspected meat.

(3) Meat and meat food products shall not be placed on floor surfaces except that which is stored in containers in freezers.

(4) Meat food products offered for sale as fully cooked shall be heated in all parts to the following minimum temperatures before delivery to a household user;

(a) Beef 145°F.

(b) Pork 150°F.

(5) Any cooked or partially cooked meat food product not delivered to a household user within two hours of heating shall be refrigerated to an internal temperature of 45°F or less within four hours of removal from the heating process.

(6) Any processing of food other than meat shall be done at different times from processing of meat. Any common equipment, utensils, or food contact surfaces used in the preparation of meat, meat food products, and other foods shall be sanitized between periods of processing.

#### **WSR 87-22-021**

#### **NOTICE OF PUBLIC MEETINGS COMMISSION ON ASIAN AMERICAN AFFAIRS** [Memorandum—October 22, 1987]

The November 14, 1987, CAAA meeting scheduled in Olympia is moved to November 21, same place.

#### **WSR 87-22-022**

#### **ADOPTED RULES INSURANCE COMMISSIONER** [Order R 87-11—Filed October 27, 1987]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to termination of program, repealing WAC 284-19-200.

Note: The effect of the repeal of this rule is to continue in force the Washington essential property insurance inspection and placement program.

This action is taken pursuant to Notice No. WSR 87-19-101 filed with the code reviser on September 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 pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.58.010(5).

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 October 27, 1987.

Dick Marquardt  
Insurance Commissioner  
By Robert E. Johnson  
Deputy Commissioner

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 284-19-200 TERMINATION OF PROGRAM.

**WSR 87-22-023**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF WILDLIFE**  
**(Wildlife Commission)**  
[Memorandum—October 22, 1987]

The Wildlife Commission has decided on the following dates and locations for the 1988 Wildlife Commission meetings:

January 15	Tacoma
April 17	Moses Lake
May 14 and 15	Seattle
August 10	Spokane
October 28	Aberdeen

**WSR 87-22-024**  
**PROPOSED RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
[Filed October 28, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Self-funded plans for employee benefits, chapter 392-130 WAC;

that the agency will at 9:00 a.m., Monday, December 14, 1987, in the State Board of Education Conference Room, SPI, 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 48.62.030 and 48.62.035.

Dated: October 22, 1987  
By: Frank B. Brouillet  
Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-130 WAC, Finance—Self-funded plans for employee benefits.

Rule Section(s): WAC 392-130-005 through 392-130-205.

Statutory Authority: RCW 48.62.030 and 48.62.035.

Purpose of the Rule(s): To provide budgeting and accounting policies and procedures in addition to management and operational standards.

Summary of the New Rule(s) and/or Amendments: A joint self-funded plan shall be made in accordance with the Interlocal Cooperation Act. All financial statements of a self-funded plan shall use the enterprise fund concept using the full accrual basis of accounting. Management and operational standards are provided.

Reasons Which Support the Proposed Action(s): RCW 48.62.030 gives SPI the authority to adopt rules on the budgeting and accounting for self-funded plans. RCW 48.62.035 gives the SPI authority to adopt rules concerning the operation and management of self-funded plans.

WAC 392-130-005 cites RCW 48.62.030 as the authority for SPI to adopt rules on the budgeting and accounting for self-funded plans for employee benefits. Also cites RCW 48.62.035 as the authority for SPI to adopt rules concerning the operation and management of self-funded plans for employee benefits; 392-130-010 states that the purposes of these rules are to provide budgeting and accounting policies and procedures in addition to management and operational standards; 392-130-015 through 392-130-140 defines operative terms used in chapter; 392-130-145 states that a joint self-funded plan shall be made in accordance with the Interlocal Cooperation Act, chapter 39.34 RCW. Also that each member of a joint self-funded plan shall adopt the plan by board resolution; 392-130-150 states that an individual self-funded plan shall be established by board policy. Also that an individual self-funded plan shall be adopted by board resolution; 392-130-155 states that a self-funded plan may provide for the preparation of budgets. Requires that all financial statements and the accounting for a plan shall use the enterprise fund concept, that revenues and expenses shall be recognized on the full accrual basis of accounting, and that revenue and expense classifications shall parallel those of a private insurance firm providing similar services; 392-130-160 sets time lines for the preparation, audit and delivery of a plan's annual financial statements; 392-130-165 lists specifications that shall be provided in an agreement for a joint self-funded plan or a policy for an individual self-funded plan; 392-130-170 lists administrative standards that a self-funded plan must meet; 392-130-175 states that there shall be an annual actuarial study to determine the actuarial soundness of a plan; 392-130-180 states that a plan shall provide for policies outlining



the powers and duties of the sponsoring board of directors. Also states that the powers and duties shall meet listed standards; 392-130-185 states that a plan may provide for certain powers and duties of the board of directors. Also states that some of these powers and duties are the creation of an advisory board, the borrowing of money, and the study of operations; 392-130-190 states that a plan shall provide for the payment of benefit liabilities; 392-130-195 states that a plan shall provide for all moneys to be on deposit with the designated county treasurer; 392-130-200 states that all plan administrators shall be bonded; and 392-130-205 states that the plan shall have standards regarding restrictions on the financial interests of the plan's administrators.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Dr. Perry Keithley, SPI, 3-6742; and Enforcement: Dr. Charles "Bob" Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

- 392-130-155 Budgeting and accounting policies for self-funded plans for employee benefits.
- 392-130-160 Records and accounts of a self-funded plan for employee benefits.
- 392-130-165 Management and operational standards for self-funded plans for employee benefits—General provisions.
- 392-130-170 Management and operational standards for self-funded plans for employee benefits—Administrative standards.
- 392-130-175 Management and operational standards for self-funded plans for employee benefits—Actuarial standards.
- 392-130-180 Management and operational standards for self-funded plans for employee benefits—Required powers and duties of the sponsoring board of directors.
- 392-130-185 Management and operational standards for self-funded plans for employee benefits—Optional powers and duties of the sponsoring board of directors.
- 392-130-190 Management and operational standards for self-funded plans for employee benefits—Liabilities of a self-funded plan for employee benefits.
- 392-130-195 Management and operational standards for self-funded plans for employee benefits—Plan deposits and investments.
- 392-130-200 Management and operational standards of a self-funded plan for employee benefits—Bonding of administrators.
- 392-130-205 Management and operational standards of a self-funded plan for employee benefits—Prohibited pecuniary interests.

**NEW SECTION**

WAC 392-130-005 AUTHORITY. The authority for this chapter is RCW 48.62.030 which authorizes the superintendent of public instruction to adopt rules governing the budgeting and accounting for school district and educational service district self-funded plans for employee benefits. This authority is supplemented by RCW 48.62.035 which authorizes the superintendent of public instruction to establish standards for the operation and management of school district and educational service district self-funded plans for employee benefits.

**NEW SECTION**

WAC 392-130-010 PURPOSES. The purposes of this chapter are to:

- (1) Provide policies and procedures regarding the budgeting and accounting for school district and educational service district self-funded plans for employee benefits.
- (2) Provide management and operational standards for self-funded plans for employee benefits.

**NEW SECTION**

WAC 392-130-015 DEFINITION—JOINT SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS. As used in this chapter, the term "joint self-funded plan for employee benefits" means the combining of one or more school districts and/or educational service districts with a sponsoring school district or educational service district in order to provide self-insurance in accordance with these rules and regulations. A "joint self-funded plan for employee benefits" shall be consistent with the term "self-funded plan" as used in chapter 48.62 RCW.

**NEW SECTION**

WAC 392-130-020 DEFINITION—INDIVIDUAL SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS. As used in this chapter, the term "individual self-funded plan for employee benefits" means a fund established by a sponsoring school district or educational service district in order to provide self-insurance for its own employees only. An "individual self-funded plan for employee benefits" shall be consistent with the term "self-funded plan" as used in chapter 48.62 RCW.

Chapter 392-130 WAC  
FINANCE—SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS

- WAC
- 392-130-005 Authority.
  - 392-130-010 Purposes.
  - 392-130-015 Definition—Joint self-funded plan for employee benefits.
  - 392-130-020 Definition—Individual self-funded plan for employee benefits.
  - 392-130-025 Definition—Self-funded employee loss of time and health benefit plans.
  - 392-130-030 Definition—Self-funded plan or a plan.
  - 392-130-035 Definition—Self-funded plan for employee benefits.
  - 392-130-040 Definition—Joint self-funded plan.
  - 392-130-045 Definition—Fund.
  - 392-130-050 Definition—Enterprise fund.
  - 392-130-055 Definition—Beneficiary.
  - 392-130-060 Definition—Member.
  - 392-130-065 Definition—Contribution.
  - 392-130-070 Definition—Employer.
  - 392-130-075 Definition—Third party administrator.
  - 392-130-080 Definition—Claim.
  - 392-130-085 Definition—Life insurance.
  - 392-130-090 Definition—Health insurance.
  - 392-130-095 Definition—Health benefit insurance.
  - 392-130-100 Definition—Health care insurance.
  - 392-130-105 Definition—Accident insurance.
  - 392-130-110 Definition—Disability insurance.
  - 392-130-115 Definition—Salary protection insurance.
  - 392-130-120 Definition—Loss of time insurance.
  - 392-130-125 Definition—Fiscal year.
  - 392-130-130 Definition—Board of directors of a self-funded plan for employee benefits.
  - 392-130-135 Definition—Excess loss insurance.
  - 392-130-140 Definition—Certificate authorizing an insurer to provide insurance.
  - 392-130-145 Joint self-funded plans for employee benefits to be in accordance with the interlocal cooperation act.
  - 392-130-150 Adoption of an individual self-funded plan for employee benefits by a sponsoring board of directors.

NEW SECTION

WAC 392-130-025 DEFINITION—SELF-FUNDED EMPLOYEE LOSS OF TIME AND HEALTH BENEFIT PLANS. As used in this chapter, the term "self-funded employee loss of time and health benefit plans" means those self-funded plans for employee benefits defined in WAC 392-130-015 and 392-130-020.

NEW SECTION

WAC 392-130-030 DEFINITION—SELF-FUNDED PLAN OR A PLAN. As used in this chapter, the term "self-funded plan" or a "plan" means individual and joint self-funded plans for employee benefits.

NEW SECTION

WAC 392-130-035 DEFINITION—SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS. As used in this chapter, the term "self-funded plan for employee benefits" means individual and joint self-funded plans for employee benefits.

NEW SECTION

WAC 392-130-040 DEFINITION—JOINT SELF-FUNDED PLAN. As used in this chapter, the term "joint self-funded plan" means joint self-funded plans for employee benefits.

NEW SECTION

WAC 392-130-045 DEFINITION—FUND. As used in this chapter, the term "fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash and/or other assets together with all related liabilities and equity.

NEW SECTION

WAC 392-130-050 DEFINITION—ENTERPRISE FUND. As used in this chapter, the term "enterprise fund" means a fund established to account for the revenues, benefit costs, and net income or loss of a self-funded plan for employee benefits. The accounting information from this fund is used to establish contribution rates and benefit amounts of a plan.

NEW SECTION

WAC 392-130-055 DEFINITION—BENEFICIARY. As used in this chapter, the term "beneficiary" means any individual entitled, under a self-funded plan for employee benefits, to payment of part or all of the cost of an insured loss.

NEW SECTION

WAC 392-130-060 DEFINITION—MEMBER. As used in this chapter, the term "member" means a school district or educational service district that is a contributor to a joint self-funded plan.

NEW SECTION

WAC 392-130-065 DEFINITION—CONTRIBUTION. As used in this chapter, the term "contribution" means the amount paid or payable by the employer or employee into a self-funded plan for employee benefits.

NEW SECTION

WAC 392-130-070 DEFINITION—EMPLOYER. As used in this chapter, the term "employer" means a school district or an educational service district.

NEW SECTION

WAC 392-130-075 DEFINITION—THIRD PARTY ADMINISTRATOR. As used in this chapter, the term "third party administrator" means a person or firm employed by a board of directors of a self-funded plan for employee benefits in order to administer aspects of a plan.

NEW SECTION

WAC 392-130-080 DEFINITION—CLAIM. As used in this chapter, the term "claim" means a demand for payment for a loss which comes under the terms of a self-funded plan for employee benefits.

NEW SECTION

WAC 392-130-085 DEFINITION—LIFE INSURANCE. As used in this chapter, the term "life insurance" means insurance designed to protect against economic losses resulting from death.

NEW SECTION

WAC 392-130-090 DEFINITION—HEALTH INSURANCE. As used in this chapter, the term "health insurance" means insurance against economic losses due to sickness or bodily injury.

NEW SECTION

WAC 392-130-095 DEFINITION—HEALTH BENEFIT INSURANCE. As used in this chapter, the term "health benefit insurance" means the same as health insurance as defined in WAC 392-130-090.

NEW SECTION

WAC 392-130-100 DEFINITION—HEALTH CARE INSURANCE. As used in this chapter, the term "health care insurance" means a form of health insurance against medical expenses.

NEW SECTION

WAC 392-130-105 DEFINITION—ACCIDENT INSURANCE. As used in this chapter, the term "accident insurance" means a form of health insurance against economic loss by accidental bodily injury.

NEW SECTION

WAC 392-130-110 DEFINITION—DISABILITY INSURANCE. As used in this chapter, the term "disability insurance" means a form of health insurance that provides periodic payments when the insured is unable to work as a result of illness, injury or disease.

NEW SECTION

WAC 392-130-115 DEFINITION—SALARY PROTECTION INSURANCE. As used in this chapter, the term "salary protection insurance" means a form of health insurance that provides for the continuation of an employee's income after his death or disability.

NEW SECTION

WAC 392-130-120 DEFINITION—LOSS OF TIME INSURANCE. As used in this chapter, the term "loss of time insurance" means the same as disability insurance and salary protection insurance as defined in WAC 392-130-110 and 392-130-115.

NEW SECTION

WAC 392-130-125 DEFINITION—FISCAL YEAR. As used in this chapter, the term "fiscal year" of a self-funded plan for employee benefits means the same period of time as the fiscal year of the school district or educational service district sponsoring a plan.

NEW SECTION

WAC 392-130-130 DEFINITION—BOARD OF DIRECTORS OF A SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS. As used in this chapter, the term "board of directors of a self-funded plan for employee benefits" means the board of directors of the school district or educational service district that is sponsoring a plan.

NEW SECTION

WAC 392-130-135 DEFINITION—EXCESS LOSS INSURANCE. As used in this chapter, the term "excess loss insurance" means an insurance contract whereby an entire or part of a risk or

contingent liability already covered under an existing contract is transferred to another insurer.

#### NEW SECTION

WAC 392-130-140 DEFINITION—CERTIFICATE AUTHORIZING AN INSURER TO PROVIDE INSURANCE. As used in this chapter, the term "certificate authorizing an insurer to provide insurance" means the authorization to transact insurance in Washington state as required under RCW 48.05.030.

#### NEW SECTION

WAC 392-130-145 JOINT SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS TO BE IN ACCORDANCE WITH THE INTERLOCAL COOPERATION ACT. An agreement among school districts and educational service districts to provide a joint self-funded plan for employee benefits shall be made in accordance with the interlocal cooperation act, chapter 39.34 RCW, as well as these rules and regulations. The agreement for a joint self-funded plan shall meet the specific requirements of the provisions of RCW 39.34.030, as well as the specific requirements of WAC 392-130-165. The agreement shall contain all the provisions of the plan including any contingencies regarding effectiveness such as date, number of school districts participating, and adoption by the sponsoring school district or educational service district. The agreement shall provide that a joint self-funded plan is to be established by a board policy of each participating board of directors. The agreement and the board policy establishing the joint self-funded plan shall be adopted by resolution of each participating board of directors. A copy of the resolution adopting the agreement and a copy of the agreement signed by an authorized official of a participating school district or educational service district shall be forwarded to the sponsoring school district or educational service district.

#### NEW SECTION

WAC 392-130-150 ADOPTION OF AN INDIVIDUAL SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS BY A SPONSORING BOARD OF DIRECTORS. An individual self-funded plan for employee benefits shall provide that a school district or an educational service district board of directors sponsoring an individual self-funded plan shall establish the individual self-funded plan by board policy. The board policy shall contain all the provisions of the individual self-funded plan. The board policy establishing the individual self-funded plan shall be adopted by board resolution.

#### NEW SECTION

WAC 392-130-155 BUDGETING AND ACCOUNTING POLICIES FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS. A self-funded plan for employee benefits may provide for the preparation of budgets for the fund used to account for a plan. Provisions shall be made in a plan to require that:

(1) Financial statements, including any budgets, be prepared and the plan be accounted for using the enterprise fund concept in governmental accounting as promulgated by the governmental accounting standards board (GASB). Such financial statements shall be prepared consistent with the standards for an insurance enterprise in the statements of financial accounting standards promulgated by the financial accounting standards board (FASB). In accordance with the requirements of the governmental accounting standards board and the financial accounting standards board, revenues and expenses shall be recognized on the full accrual basis of accounting. Financial information that is developed using the full accrual basis of accounting is appropriate for measuring the adequacy of contributions to an insurance enterprise.

(2) Revenue and expense classifications for the plan parallel those of a private insurance firm providing similar services.

#### NEW SECTION

WAC 392-130-160 RECORDS AND ACCOUNTS OF A SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS. The following provisions shall be included in a self-funded plan for employee benefits:

(1) The board of directors of a plan shall cause full and accurate records and accounts to be entered and maintained covering all financial transactions and affairs.

(2) Within forty-five days after the close of a fiscal year of a plan, the administrator shall prepare annual financial statements in writing summarizing the financial transactions for such fiscal year and the financial condition at the end of such year in accordance with these rules and regulations and generally accepted accounting principles. Generally accepted accounting principles for the purpose of these rules are the authoritative sources given in WAC 392-130-155.

(3) The board of directors shall arrange for an annual audit of the plan's annual financial statements within ninety days after the close of each fiscal year. If in the opinion of the board of directors, the state auditor is unable to complete an audit of the financial statements within ninety days after the close of a fiscal year of a plan, the board of directors shall arrange with a certified public accountant to perform the audit of the annual financial statements.

(4) The administrator of a plan shall deliver a copy of the audited financial statements to each member of the sponsoring board of directors of a plan, to each employer participant in a joint self-funded plan, and to each organization that represents employee beneficiaries of a plan in collective bargaining. The audited financial statements shall be delivered within fourteen days after receipt.

#### NEW SECTION

WAC 392-130-165 MANAGEMENT AND OPERATIONAL STANDARDS FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS—GENERAL PROVISIONS. The provisions of an agreement for a joint self-funded plan for employee benefits and the policy establishing an individual self-funded plan for employee benefits shall provide for the following specifications:

(1) The duration of the plan.

(2) The board of directors and administrators responsible for managing the plan.

(3) Any provision for the contingent start-up of the plan.

(4) The membership of any advisory board.

(5) The amount of financial reserves including their manner of acquiring, holding, and disposal. The amount of any other assets, including real and personal property used in the establishment and administration of the plan.

(6) The nature and scope of insurance coverages to be provided including the extent of choice among combinations of coverage.

(7) The manner of financing the plan.

(8) The method by which plan contributions or benefits will be adjusted when reserves have been determined to be actuarially excessive or insufficient, when plan liabilities exceed plan assets, and when the plan is unable to meet debts as such debts mature. If plan contributions need to be increased, the increases shall be large enough to make the joint self-funded plan actuarially sound, solvent, and able to settle any claims and charges against the plan.

(9) The method to be employed in accomplishing the partial or complete termination of the plan and for liquidation of the plan's assets upon such partial or complete termination. The method shall provide for the settling of all unliquidated claims against the plan. In addition, the method shall be fair and equitable to all persons having a claim upon the plan.

(a) For a joint self-funded plan the method specified shall provide for a pro rata distribution of any assets to the members remaining after all claims and charges against the joint self-funded plan have been settled. The method specified shall state that the existence of surplus assets for such disposition shall not be determined prior to expiration of two years after the joint self-funded plan has been terminated. Also, for a joint self-funded plan the method specified shall provide for a declaration and pro rata collection by the board of directors of additional premiums from the members if additional money is needed to settle remaining claims and charges unless the remaining claims and charges have been assumed by other financially responsible person or persons. In addition, for a joint self-funded plan the method specified shall provide for the pro rata collection of additional premiums when the joint self-funded plan is terminated because liabilities exceed assets or because the joint self-funded plan is unable to meet debts as such debts mature.

(b) For an individual self-funded plan the method specified shall provide for the remaining assets to be transferred to the sponsoring school district's general fund or the sponsoring educational service district's general expense fund. The method specified shall state that the existence of surplus assets for such disposition shall not be determined prior to expiration of two years after the individual self-funded plan has been terminated. Also, for an individual self-funded plan the method specified shall provide for a collection of additional premiums

from the sponsoring school district's general fund or the sponsoring educational service district's general expense fund if additional money is needed to settle remaining claims and charges unless the remaining claims and charges have been assumed by other financially responsible person or persons. In addition, for an individual self-funded plan the method specified shall provide for the collection of additional premiums from the sponsoring school district's general fund or educational service district's general expense fund when the individual self-funded plan is terminated because liabilities exceed assets or because the individual self-funded plan is unable to meet debts as such debts mature.

(10) The process for the termination of membership of any member of a joint self-funded plan. The termination process may be initiated against a joint self-funded plan member who fails to abide by the requirements of the agreement concerning payment of dues and premiums and any other contributions, installation of safety requirements, accounting and reporting, claims administration, and cooperation with the claims agents or attorneys representing the joint self-funded plan or any of the members. The process of termination may be initiated against a member of a joint self-funded plan who, in the judgment of the board of directors, acts in a manner detrimental to the fiscal soundness or effectiveness of the joint self-funded plan.

(11) The process for the addition of new members in a joint self-funded plan.

(12) The methods by which coverages are to be extended, premiums or assessments levied and paid, claims administered and defended against, and financial reserves established and maintained.

(13) The process for settling disputes among members of a joint self-funded plan. The process shall provide for binding arbitration of all disputes among member districts under the terms and conditions of a joint self-funded plan. In addition, the process shall specify when a dispute among member districts in a joint self-funded plan will be referred to binding arbitration. The method of selection and compensation for the arbitrator shall also be specified.

(14) The responsibilities for claims defense and expenses of such defense on the plan and/or among the members of a joint self-funded plan.

(15) The deductible amount by type of coverage.

(16) That employee beneficiaries shall not be able to create an equity interest in the plan.

(17) Contribution reductions, rebates, or other financial incentives for achieving loss, claim, and risk reduction.

(18) That interfund loans from the enterprise fund for a self-funded plan to any other school district or educational service district fund are prohibited. A joint self-funded plan shall also make provisions that loans from the enterprise fund of a joint self-funded plan to any member district shall be prohibited.

(19) That the plan shall be in compliance with these rules and regulations and applicable federal and state law at the time of adoption of the plan. The plan shall make provisions to be in compliance with amendments to these rules and regulations and changes to applicable federal and state law.

#### NEW SECTION

WAC 392-130-170 MANAGEMENT AND OPERATIONAL STANDARDS FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS—ADMINISTRATIVE STANDARDS. A self-funded plan for employee benefits shall meet the following administrative standards:

(1) The plan must require all contributions to be paid in advance of the month in which the insurance is to be provided.

(2) The name of the plan shall include the name of the sponsoring school district or educational service district.

(3) The plan must have, or provide for, a procedure for hiring trustworthy and responsible administrators. The plan must contract for or hire competent personnel to provide risk management and administrative services. Claims shall be administered by competent, disinterested third parties acting independently of all school districts and educational service districts and their personnel. The third party claims administrator shall have no other administrative responsibilities with the plan, a member of the plan, or the district sponsoring the plan.

(4) Third party administrators, including those who administer claims under the plan, must meet any standards that may be established by the Washington state insurance commissioner.

(5) The method by which employees make contributions shall be specified.

(6) Plans must provide that the plan administrators shall furnish to each employee-beneficiary of the plan a written statement or schedule

adequately and clearly stating all benefits currently allowable under the plan, together with all applicable restrictions, limitations, and exclusions, and the procedure for filing a claim for benefits.

(7) The method of paying claims under the plan, including claims under excess loss coverage, must be disclosed. The plan may allow payments of benefits to be made directly to health care service providers.

(8) The plan must comply with the mandatory coverage provisions of chapter 48.44 RCW.

(9) A self-funded plan for disability insurance must comply with the group and blanket disability insurance provisions of chapter 48.21 RCW.

(10) The plan must not engage in pricing practices that set contribution rates lower for new members or employees than those established for existing members or employees. This provision shall not be construed to prohibit individual choice of coverage by beneficiaries from several offered by a plan.

(11) The plan must be fully covered by an excess loss insurance policy issued by an insurer which has a certificate authorizing it to provide insurance in this state.

#### NEW SECTION

WAC 392-130-175 MANAGEMENT AND OPERATIONAL STANDARDS FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS—ACTUARIAL STANDARDS. Each self-funded plan for employee benefits shall meet the following actuarial standards.

(1) The plan must provide for the manner in which actuarial studies are used to establish contribution rates.

(2) The plan must be actuarially sound, that is, assets and income of the plan must be adequate under reasonable estimates for payment of all benefits promised to beneficiaries by the plan. In order to determine actuarial soundness a study shall be conducted annually by an actuary who is a member of the American Academy of Actuaries. The actuarial study shall provide any necessary information for the annual financial statements. A copy of the study shall be provided to each member district's board of directors, the sponsoring district's board of directors, each organization that represents employee beneficiaries of a plan in collective bargaining, and the plan's auditor. The study shall be completed within forty-five days after the close of each fiscal year.

The actuary shall consider the following factors in the study:

(a) Applicable excess loss insurance;

(b) Contracts with health care service contractors as defined in RCW 48.44.010(3);

(c) Other applicable insurance or guarantees;

(d) Plan factors or provisions for prevention or reduction of adverse selection against the plan by those otherwise eligible to become beneficiaries; and

(e) Any other factor that the actuary deems appropriate.

#### NEW SECTION

WAC 392-130-180 MANAGEMENT AND OPERATIONAL STANDARDS FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS—REQUIRED POWERS AND DUTIES OF THE SPONSORING BOARD OF DIRECTORS. A self-funded plan for employee benefits shall provide for policies outlining the powers and duties of the sponsoring board of directors regarding the management and operation of a self-funded plan. The policies shall meet the following standards:

(1) Provide for the adjudication of disputes arising from the administration of the terms and conditions of the plan in regard to beneficiaries.

(2) Provide for the determination of the eligibility of claims for benefits within a maximum of thirty days from the date a claim is submitted by a beneficiary or notify the beneficiary that the benefit has been refused.

(3) Provide for the approval of all material contracts, leases, and agreements or other legal documents.

(4) Provide for the development and preparation of contracts to be signed by each member of a joint self-funded plan as it joins the joint self-funded plan and thereafter.

(5) Require the securing of a fidelity bond upon each and all of the employees of the plan and upon other persons charged with the duty of handling or disbursing any of the moneys of the plan.

(6) Provide for the determination of the amount of contributions required from members of a joint self-funded plan for the purpose of participation in any part or all of the joint self-funded plan.

(7) Establish standards for eligibility of members in a joint self-funded plan, establish procedures for joining and termination, and establish effective dates of coverage.

(8) Provide procedures for the proper accounting and reporting of claims for each of the members of a joint self-funded plan so that it shall be appraised at all times of the nature of the claims arising within its jurisdiction, the manner in which these claims are being handled, and their impact upon the joint self-funded plan.

(9) Provide for an annual audit of the plan's annual financial statements in accordance with the provisions of WAC 392-130-160.

(10) Provide that the amount of insurance be determined, consistent with the provisions of WAC 392-130-175(2), that shall be purchased by the plan insofar as catastrophe coverage, excess loss coverage or stop loss, or other types of insurance is concerned.

(11) Provide for the determination of rates, risks, benefits, and terms of the plan, that the rates and benefits are adjusted based on claim experience, and that changes to these items shall be made after at least forty-five days notice to members of a joint self-funded plan.

(12) Provide for payment of all expenses in connection with the plan. Establish procedures for safe keeping, handling, and investing any moneys received or paid.

(13) Define the duties of any plan administrator and establish record requirements to enable the correct billing of contributions and fees, enrollment of members of a joint self-funded plan and their employees, and payment of claims.

(14) Provide for the ability of the plan to incur expenses and enter into necessary agreements; exercise the full power and authority of any member of a joint self-funded plan with respect to insured risks when requested to do so by the member; or provide for necessary activities to accomplish the purposes of the plan.

(15) Provide for the ability to contract or otherwise provide risk management and loss control services; contract or otherwise provide legal counsel for the defense of claims and/or other legal services; and contract or otherwise provide such professional services as it may deem necessary.

#### NEW SECTION

WAC 392-130-185 MANAGEMENT AND OPERATIONAL STANDARDS FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS—OPTIONAL POWERS AND DUTIES OF THE SPONSORING BOARD OF DIRECTORS. A self-funded plan for employee benefits may provide for the following powers and duties in the policies of the sponsoring board of directors:

(1) Create an advisory board representing the members of the plan.

(2) Borrow money and give security therefor.

(3) Prepare specifications, request bids, and enter into contract for the purpose of underwriting, administering, or providing any part or all of the plan.

(4) Provide for individual or collective underwriting for members in the plan; serve as the policy-holder of any group policies or plans; determine the methods of claim administration and payment consistent with law; and provide for claims experience for members collectively or separately.

(5) Study the operation of policies, gross and net costs, administrative costs, benefits, utilization of benefits, and claims administration.

(6) Establish policies and procedures that may allow an outside organization to perform any of the functions necessary for the carrying out of a plan including excess loss insurance, safety engineering services, administrative services, and any or all other services that the board shall deem expedient for the proper servicing of those members who use the services of the plan.

#### NEW SECTION

WAC 392-130-190 MANAGEMENT AND OPERATIONAL STANDARDS FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS—LIABILITIES OF A SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS. A self-funded plan for employee benefits shall provide for the following liabilities:

(1) The plan shall be legally liable for payment of all applicable benefits stated in the statement or schedule of benefits in effect at the time there is an occurrence or incident which results in a claim.

(2) If a plan is liquidated, the plan's legal liability for all applicable benefits stated in the statement or schedule of benefits shall continue until all the employee participants have had a reasonable opportunity to enroll with another employer sponsored insurance provider.

(3) The plan shall not be liable for any liabilities other than its own.

#### NEW SECTION

WAC 392-130-195 MANAGEMENT AND OPERATIONAL STANDARDS FOR SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS—PLAN DEPOSITS AND INVESTMENTS. A self-funded plan for employee benefits shall provide that:

(1) All moneys be on deposit with the designated county treasurer.

(2) Investments of plan moneys be made by the designated county treasurer as directed by the appropriate plan administrator in instruments listed in RCW 48.62.070.

#### NEW SECTION

WAC 392-130-200 MANAGEMENT AND OPERATIONAL STANDARDS OF A SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS—BONDING OF ADMINISTRATORS. A self-funded plan for employee benefits shall provide for the sponsoring board of directors to cause all individuals handling or disbursing money for the self-funded plan including third party administrators to be bonded at all times under a fidelity bond issued by a surety insurer authorized to transact such insurance in this state. The plan shall provide that the bond shall be in favor of the sponsoring school district or educational service district and be for such aggregate penalty amount as may be deemed by the board of directors as reasonably advisable in relation to the amount of moneys to be so handled. The bond agreement shall provide that the bond be noncancelable except upon not less than sixty days advance notice in writing to the board of directors.

#### NEW SECTION

WAC 392-130-205 MANAGEMENT AND OPERATIONAL STANDARDS OF A SELF-FUNDED PLAN FOR EMPLOYEE BENEFITS—PROHIBITED PECUNIARY INTERESTS. A self-funded plan for employee benefits shall meet the following standards regarding restrictions on the financial interests of the plan's managers.

(1) No member of the board of directors; administrator, including a third-party administrator; or other person having responsibility for the management of a plan or the investment or other handling of the plan's money shall:

(a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument arising out of any transaction to which the plan is or is to be a party except for salary or other similar compensation regularly fixed and allowed for because of services regularly rendered to the plan.

(b) Receive compensation as a consultant to the plan while also acting as a member of the board of directors, administrator, or as an employee.

(c) Have any direct or indirect pecuniary interest in any loan or investment of the plan.

(2) No consultant to the plan shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the plan and any insurer, health care service contractor, or health care supply vendor.

### **WSR 87-22-025**

#### **PROPOSED RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 28, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Maintenance and operation levies, chapter 392-139 WAC;

that the agency will at 9:00 a.m., Monday, December 14, 1987, in the State Board Room, SPI, 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 84.52.0531(10) and 28A.41.170.

Dated: October 22, 1987

By: Frank B. Brouillet

Superintendent of Public Instruction

### STATEMENT OF PURPOSE

Rule: Chapter 392-139 WAC, Finance—Maintenance and operation levies.

Rule Section(s): WAC 392-139-001, 392-139-005, 392-139-007, 392-139-050, 392-139-051, 392-139-052, 392-139-055, 392-139-056, 392-139-057, 392-139-100, 392-139-105, 392-139-110, 392-139-115, 392-139-120, 392-139-122, 392-139-126, 392-139-128, 392-139-130, 392-139-132, 392-139-134, 392-139-150, 392-139-152, 392-139-154, 392-139-156, 392-139-158, 392-139-160, 392-139-162, 392-139-164, 392-139-166, 392-139-168, 392-139-170, 392-139-172, 392-139-174, 392-139-176, 392-139-178, 392-139-180, 392-139-182, 392-139-184, 392-139-186, 392-139-200, 392-139-205, 392-139-210, 392-139-215, 392-139-220, 392-139-225, 392-139-230, 392-139-235, 392-139-240, 392-139-245, 392-139-300, 392-139-310, 392-139-320, 392-139-330, 392-139-340, 392-139-600, 392-139-605, 392-139-610, 392-139-615, 392-139-620, 392-139-625, 392-139-650, 392-139-660, 392-139-665, 392-139-670 and 392-139-900.

Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

Purpose of the Rule(s): To define annual procedures for establishing school district levy authority and state matching money for excess levies.

Summary of the New Rule(s) and/or Amendments: The new rules establish a new "levy lid" at 20% instead of 10% and provide for payment of state general fund moneys beginning in 1989 as state matching moneys for excess levies in eligible school districts.

Reasons Which Support the Proposed Action(s): The amendments are in response to chapter 2, Laws of 1987 1st ex. sess., which revised the "levy lid" and authorized payment of state matching money for excess levies in eligible school districts.

Section Analysis: Chapter 392-139 WAC, Finance—Maintenance and operation levies, WAC 392-139-001 states authority for the rules; 392-139-005 states the purpose of the rules; 392-139-007 describes the general organization of the chapter; 392-139-050 defines "school year"; 392-139-051 defines "prior school year"; 392-139-052 defines "current school year"; 392-139-055 defines "calendar year"; 392-139-056 defines "current calendar year"; 392-139-057 defines "next calendar year"; 392-139-100 defines "certified excess levy"; 392-139-105 defines "excess levy authority"; 392-139-110 defines "report 1191," the source the basic education allocation amount included in a school district's levy base; 392-139-115 defines "basic education allocation"; 392-139-120 through 392-139-134 define the general fund revenue accounts for state allocations included in a school district's excess levy base; 392-139-150 through 392-139-186 define the general fund revenue accounts for federal allocations included in a school district's excess levy base; 392-139-200 defines "Report 1197," the

source of most state and federal allocations amounts included in a school district's levy base; 392-139-205 defines "Report F-195," the source of certain federal allocations amounts included in a school district's excess levy base; 392-139-210 defines "annual average full-time equivalent (AAFTE) students"; 392-139-215 defines "P-223H," the monthly report of handicapped enrollment; 392-139-220 defines "P-223NR," the monthly report of nonresident enrollment for vocational and alternative education cooperatives; 392-139-225 defines "Form 1067," the year-end report of special education cooperative enrollment; 392-139-230 defines "P-213," the annual report of students residing in nonhigh school districts and enrolled in high school districts; 392-139-235 defines "annual average full-time equivalent (AAFTE) resident enrollment"; 392-139-240 defines "base year levy percentage"; 392-139-245 defines "levy reduction funds"; 392-139-300 prescribes general policies for establishment of excess levy authority; 392-139-310 prescribes the method of determining each school district's excess levy base; 392-139-320 prescribes the method of determining each school district's maximum excess levy percentage; 392-139-330 prescribes the method of calculating the amount of excess levy authority transfers for interdistrict cooperative programs; 392-139-340 prescribes the method of calculating the amount of excess levy authority transfers between non-high school and high school districts; 392-139-600 defines "adjusted assessed valuation"; 392-139-605 defines "district ten percent levy amount"; 392-139-610 defines "district ten percent levy rate"; 392-139-615 defines "state-wide ten percent levy rate"; 392-139-620 defines "eligible district"; 392-139-625 defines "state matching ratio"; 392-139-650 prescribes general policies for determining local effort assistance; 392-139-660 prescribes the method for calculating each school district's maximum local effort assistance; 392-139-665 requires educational service districts to report certified excess levy amounts to the Superintendent of Public Instruction; 392-139-670 prescribes the method of allocating local effort assistance to eligible school districts; and 392-139-900 requires the Superintendent of Public Instruction to notify school districts and counties of amounts calculated pursuant to this chapter.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, Administrative Law Services, 3-2298; Implementation: Perry G. Keithley, SPI, Financial Services, 3-6742; and Enforcement: Dr. Charles Marshall, SPI, Deputy Superintendent, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 392-139 WAC  
FINANCE—MAINTENANCE AND OPERATION ((~~LEVY LIMITS~~)) LEVIES

## GENERAL PROVISIONS AND DEFINITIONS

## WAC

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 392-139-184 Definition—6268 Indian education, P.L. 92-318.  
 392-139-186 Definition—6998 USDA commodities.  
 392-139-200 Definition—Report 1197.  
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 392-139-210 Definition—Annual average full-time equivalent (AAFTE) students.  
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## DETERMINATION OF EXCESS LEVY AUTHORITY

- 392-139-300 Establishment of excess levy authority for school districts—General.  
 392-139-310 Determination of excess levy base.  
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## DEFINITIONS FOR LOCAL EFFORT ASSISTANCE

- 392-139-600 Definition—Adjusted assessed valuation.  
 392-139-605 Definition—District ten percent levy amount.  
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- 392-139-620 Definition—Eligible district.  
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## DETERMINATION OF LOCAL EFFORT ASSISTANCE

- 392-139-650 Determination of local effort assistance—General.  
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## NOTIFICATION PROVISIONS

- 392-139-900 Notification of amounts calculated.

## GENERAL PROVISIONS AND DEFINITIONS

AMENDATORY SECTION (Amending Order 84-4, filed 2/9/84)

WAC 392-139-001 AUTHORITY. The ((authority)) authorities for this chapter ((is)) are RCW 84.52.0531((7) which) (10) and 28A.41.170.

(1) RCW 84.52.0531(10) authorizes the superintendent of public instruction to promulgate rules and regulations regarding the limitation of local school district ((special)) excess levies otherwise known as the "Special levy lid law."

(2) RCW 28A.41.170 authorizes the superintendent of public instruction to promulgate such rules and regulations as are necessary for administration of state general fund support for the common schools pursuant to chapter 28A.41 RCW. Rules regarding allocation of state general fund moneys for the purpose of partially equalizing excess levy tax rates, otherwise known as "local effort assistance" are adopted pursuant to this general authority.

AMENDATORY SECTION (Amending Order 83-18, filed 11/9/83)

WAC 392-139-005 PURPOSE. The purposes of this chapter ((is to)) are to define the annual procedures that the superintendent of public instruction shall use:

(1) To establish the exclusive means for fixing the maximum dollar amount ((of taxes)) which may be levied ((on property and collected)) on behalf of any school district in ((a given tax)) calendar year 1988 for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531. ((These rules shall be effective for calculation of taxes collected in calendar years 1984 through 1989.))

(2) To establish the exclusive means for fixing:

(a) The maximum dollar amount which may be levied on behalf of any school district in a given calendar year, beginning in calendar year 1989 and thereafter, for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and

(b) The maximum possible amount of state general fund moneys an eligible school district may receive in a given calendar year, beginning in 1989 and thereafter, as state matching moneys for excess levies pursuant to sections 102 and 212, chapter 2, Laws of 1987 1st ex. sess.; and

(3) To establish the exclusive means for fixing the dollar amount of state general fund moneys that each eligible school district shall receive in a given calendar year, beginning in calendar year 1989 and thereafter, as state matching moneys for excess levies pursuant to sections 102 and 212, chapter 2, Laws of 1987 1st ex. sess.

NEW SECTION

WAC 392-139-007 ORGANIZATION OF THIS CHAPTER. This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

- Sections 001-099 General provisions and definitions.  
 Sections 100-299 Definitions for excess levy authority.  
 Sections 300-399 Determination of excess levy authority.  
 Sections 600-649 Definitions for local effort assistance.  
 Sections 650-699 Determination of local effort assistance.  
 Section 900 Notification provisions.

NEW SECTION

WAC 392-139-050 DEFINITION—SCHOOL YEAR. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

NEW SECTION

WAC 392-139-051 **DEFINITION—PRIOR SCHOOL YEAR.** As used in this chapter, "prior school year" means the most recent school year completed prior to the calendar year for which excess levy authority is being calculated pursuant to this chapter.

NEW SECTION

WAC 392-139-052 **DEFINITION—CURRENT SCHOOL YEAR.** As used in this chapter, "current school year" means the school year completed during the calendar year for which excess levy authority is being calculated pursuant to this chapter.

NEW SECTION

WAC 392-139-055 **DEFINITION—CALENDAR YEAR.** As used in this chapter:

- (1) "Calendar year" means January 1 through December 31.
- (2) The term "calendar year" is synonymous with the statutory terms "tax collection year" and "levy collection year" as used in RCW 84.52.0531 and chapter 2, Laws of 1987 1st ex. sess.

NEW SECTION

WAC 392-139-056 **DEFINITION—CURRENT CALENDAR YEAR.** As used in this chapter, "current calendar year" means the calendar year prior to the calendar year for which excess levy authority is being calculated pursuant to this chapter.

NEW SECTION

WAC 392-139-057 **DEFINITION—NEXT CALENDAR YEAR.** As used in this chapter, "next calendar year" means the calendar year for which levy authority is being calculated pursuant to this chapter.

## DEFINITIONS FOR EXCESS LEVY AUTHORITY

NEW SECTION

WAC 392-139-100 **DEFINITION—CERTIFIED EXCESS LEVY.** As used in this chapter, "certified excess levy" means the amount certified pursuant to RCW 84.52.020 by or on behalf of a school district to the board or boards of county commissioners of the county or counties of the school district for collection in a given calendar year for general fund maintenance and operation support of the school district pursuant to RCW 84.52.053.

NEW SECTION

WAC 392-139-105 **DEFINITION—EXCESS LEVY AUTHORITY.** As used in this chapter, the term "excess levy authority" means the maximum allowed dollar amount of a district's certified excess levy for a given calendar year as determined pursuant to this chapter.

NEW SECTION

WAC 392-139-110 **DEFINITION—REPORT 1191.** As used in this chapter, "Report 1191" means the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time equivalent student, the basic education allocation, and the amount of state-funded support for the school year for each school district. The amount of a district's basic education allocation included in the excess levy base pursuant to WAC 392-139-310 (2)(a) is taken from this report.

NEW SECTION

WAC 392-139-115 **DEFINITION—BASIC EDUCATION ALLOCATION.** As used in this chapter, "basic education allocation" means the amount of state moneys calculated by the superintendent of public instruction which is the basis for the superintendent's distribution of moneys to school districts for the operation of a basic program of education pursuant to RCW 28A.58.750, et seq., 28A.41.130, and 28A.41.140, chapter 392-121 WAC, and the Biennial Appropriations

Act. The amount of a district's total guaranteed entitlement plus substitute teacher and skills center summer program funding as reported on the August Report 1191 is considered a district's basic education allocation in determining the district's excess levy base pursuant to WAC 392-139-310.

NEW SECTION

WAC 392-139-120 **DEFINITION—4121 EDUCATION OF HANDICAPPED CHILDREN.** As used in this chapter, "4121 Education of handicapped children" means the school district general fund revenue account in which is recorded revenue for a program for education of handicapped children pursuant to chapter 28A.13 RCW, RCW 28A.41.053, chapter 392-171 WAC and the Biennial Appropriations Act.

NEW SECTION

WAC 392-139-122 **DEFINITION—4155 REMEDIATION.** As used in this chapter, "4155 Remediation" means the school district general fund revenue account in which is recorded revenue for a remedial assistance program pursuant to RCW 28A.41.400 through 28A.41.414, chapter 392-162 WAC, and the Biennial Appropriations Act.

NEW SECTION

WAC 392-139-126 **DEFINITION—4165 TRANSITIONAL BILINGUAL.** As used in this chapter, "4165 Transitional bilingual" means the school district general fund revenue account in which is recorded revenue for a transitional bilingual instruction program pursuant to RCW 28A.58.800 and 28A.58.810, chapter 392-160 WAC, and the Biennial Appropriations Act.

NEW SECTION

WAC 392-139-128 **DEFINITION—4174 GIFTED AND TALENTED.** As used in this chapter, "4174 Gifted and talented" means the school district general fund revenue account in which is recorded revenue for a program for gifted and talented students, pursuant to chapter 28A.16 RCW, chapter 392-170 WAC, and the Biennial Appropriations Act.

NEW SECTION

WAC 392-139-130 **DEFINITION—4198 SCHOOL FOOD SERVICES.** As used in this chapter, "4198 School food services" means the school district general fund revenue account in which is recorded revenue for the state matching requirement for federal lunch program funding.

NEW SECTION

WAC 392-139-132 **DEFINITION—4199 TRANSPORTATION—OPERATIONS.** As used in this chapter, "4199 Transportation—Operations" means the school district general fund revenue account in which is recorded revenue for reimbursement for operation of a student transportation program pursuant to RCW 28A.41.505, 28A.24.055, and 28A.24.100, chapter 392-141 WAC, and the Biennial Appropriations Act.

NEW SECTION

WAC 392-139-134 **DEFINITION—4499 TRANSPORTATION REIMBURSEMENT—DEPRECIATION.** As used in this chapter, "4499 Transportation reimbursement—Depreciation" means the school district transportation vehicle fund revenue account in which is recorded revenue for replacement or depreciation of transportation equipment pursuant to RCW 28A.41.540, chapter 392-141 WAC, and the Biennial Appropriations Act.

NEW SECTION

WAC 392-139-150 **DEFINITION—5200 GENERAL PURPOSE DIRECT GRANTS, UNASSIGNED.** As used in this chapter, "5200 General purpose direct grants, unassigned" means the school district general fund revenue account in which are recorded federal unassigned general purpose grants.



NEW SECTION

WAC 392-139-152 DEFINITION—6100 SPECIAL PURPOSE, SPI, UNASSIGNED. As used in this chapter, "6100 Special purpose, SPI, unassigned" means the school district general fund revenue account in which is recorded revenue from any federal source distributed by the superintendent of public instruction that is not assignable to a specific 6000 series revenue account.

NEW SECTION

WAC 392-139-154 DEFINITION—6124 HANDICAPPED EHA, SUPPLEMENTAL PART B. As used in this chapter, "6124 Handicapped EHA, supplemental Part B" means the school district general fund revenue account in which is recorded revenue from grants to school districts to assist them in providing a free and appropriate public education to all.

NEW SECTION

WAC 392-139-156 DEFINITION—6127 HANDICAPPED, DEINSTITUTIONALIZED. As used in this chapter, "6127 Handicapped EHA, supplemental Part B" means the school district general fund school districts to assist them in providing a free and appropriate public education to all.

NEW SECTION

WAC 392-139-158 DEFINITION—6138 SECONDARY VOCATIONAL EDUCATION, P.L. 98-524. As used in this chapter, "6138 Secondary vocational education, P.L. 98-524" means the school district general fund revenue account in which are recorded grants for school district vocational education programs for handicapped students, disadvantaged individuals, and programs to eliminate sex bias and stereotyping commonly known as the Carl D. Perkins Vocational Education Act, P.L. 98-524.

NEW SECTION

WAC 392-139-160 DEFINITION—6146 SKILLS CENTER. As used in this chapter, "6146 Skills center" means the school district general fund revenue account in which are recorded federal revenues for programs that provide employment skills for secondary students attending skills centers.

NEW SECTION

WAC 392-139-162 DEFINITION—6151 REMEDIATION, ECIA, CHAPTER 1. As used in this chapter, "6151 Remediation, ECIA, chapter 1" means the school district general fund revenue account in which are recorded federal revenues received through the apportionment process for the reimbursement of expenditure claims for expenditures for the educational needs of disadvantaged children pursuant to chapter 392-163 WAC.

NEW SECTION

WAC 392-139-164 DEFINITION—6153 MIGRANT, ECIA, CHAPTER 1. As used in this chapter, "6153 Migrant, ECIA, chapter 1" means the school district general fund revenue account in which are recorded federal revenues arising from claims filed for expenditures of educational remediation programs for the children of migratory agricultural workers or fishers pursuant to chapter 392-164 WAC.

NEW SECTION

WAC 392-139-166 DEFINITION—6162 REFUGEE, P.L. 96-212. As used in this chapter, "6162 Refugee, P.L. 96-212" means the school district general fund revenue account in which are recorded federal revenues distributed by the superintendent of public instruction for expenditures to improve the English language skills of refugee children.

NEW SECTION

WAC 392-139-168 DEFINITION—6164 BILINGUAL, TITLE VII, P.L. 95-561. As used in this chapter, "6164 Bilingual, Title VII, P.L. 95-561" means the school district general fund revenue account

in which are recorded federal revenues distributed by the superintendent of public instruction for programs for the improvement of English language skills commonly known as Title VII, P.L. 95-561.

NEW SECTION

WAC 392-139-170 DEFINITION—6167 INDIAN EDUCATION, JOM. As used in this chapter, "6167 Indian education, JOM" means the school district general fund revenue account in which are recorded federal revenues for Indian education programs commonly known as Johnson-O'Malley programs, P.L. 93-368.

NEW SECTION

WAC 392-139-172 DEFINITION—6176 INSTRUCTIONAL AID, ECIA, CHAPTER 2. As used in this chapter, "6176 Instructional aid, ECIA, chapter 2" means the school district general fund revenue account in which are recorded federal revenues authorized under chapter 2 of the Education Consolidation and Improvement Act (ECIA) and distributed by the superintendent of public instruction pursuant to chapter 392-165 WAC.

NEW SECTION

WAC 392-139-174 DEFINITION—6177 MATHEMATICS AND SCIENCE. As used in this chapter, "6177 Mathematics and science" means the school district general fund revenue account in which are recorded federal revenues for mathematics and science programs.

NEW SECTION

WAC 392-139-176 DEFINITION—6198 SCHOOL FOOD SERVICES. As used in this chapter, "6198 School food services" means the school district general fund revenue account in which are recorded federal revenues distributed by the superintendent of public instruction for federal lunch, breakfast, and milk programs based on the number of reimbursable student lunches, breakfasts, and milk served.

NEW SECTION

WAC 392-139-178 DEFINITION—6200 DIRECT SPECIAL PURPOSE GRANTS. As used in this chapter, "6200 Direct special purpose grants" means the school district general fund revenue account in which are recorded special purpose grants distributed directly by the federal government which are assignable to a specific 6200 series revenue account.

NEW SECTION

WAC 392-139-180 DEFINITION—6246 SKILLS CENTER, DIRECT FEDERAL GRANT. As used in this chapter, "6246 Skills center, direct federal grant" means the school district general fund revenue account in which are recorded direct grants from the federal government for skills center programs.

NEW SECTION

WAC 392-139-182 DEFINITION—6264 BILINGUAL, TITLE VII, P.L. 95-561. As used in this chapter, "6264 Bilingual, Title VII, P.L. 95-561" means the school district general fund revenue account in which are recorded direct grants from the federal government for the reimbursement of school district expenditures to improve English language skills commonly known as Title VII, P.L. 95-561.

NEW SECTION

WAC 392-139-184 DEFINITION—6268 INDIAN EDUCATION, P.L. 92-318. As used in this chapter, "6268 Indian education, P.L. 92-318" means the school district general fund revenue account in which are recorded direct grants from the federal government for education of Indian youth commonly known as P.L. 92-318 but not for programs for Indian education commonly known as Johnson-O'Malley programs.

NEW SECTION

WAC 392-139-186 DEFINITION—6998 USDA COMMODITIES. As used in this chapter, "6998 USDA commodities" means the

school district general fund revenue account in which is recorded as revenue the value of USDA commodities, including cash-in-lieu of commodities distributed to the district during the school year.

#### NEW SECTION

WAC 392-139-200 DEFINITION—REPORT 1197. As used in this chapter, "Report 1197" means the monthly statement of apportionment prepared and distributed by the superintendent of public instruction which reports the annual allotment of state and federal funds. The dollar amounts of allotments for selected accounts reported on the August Report 1197 are included in the district excess levy base calculated pursuant to WAC 392-139-310. The accounts included in the levy base and reported on Report 1197 are listed in WAC 392-139-310 (4)(a).

#### NEW SECTION

WAC 392-139-205 DEFINITION—F-195. As used in this chapter, "F-195" means the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each year's operations. This document includes estimates of revenues to be received from federal sources during the school year. The amount of federal revenues reported on a district's F-195 for the prior school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on Report 1197. The accounts included in the levy base and reported on the F-195 are listed in WAC 392-139-310 (4)(b).

#### NEW SECTION

WAC 392-139-210 DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT (AAFTE) STUDENTS. As used in this chapter, "annual average full-time equivalent (AAFTE) students" means the same defined in WAC 392-121-126.

#### NEW SECTION

WAC 392-139-215 DEFINITION—P-223H. As used in this chapter, "P-223H" means the form entitled monthly report of school district's handicapped enrollment. P-223H forms are printed and distributed annually by the superintendent of public instruction to all districts. School districts used the P-223H to report nonresident enrollments of handicapped students in programs approved pursuant to chapter 392-135 WAC as interdistrict cooperative programs. Enrollments reported on the P-223H are used in calculating excess levy authority transfers pursuant to WAC 392-139-330 and 392-139-340 when the reporting district is not required to complete form 1067.

#### NEW SECTION

WAC 392-139-220 DEFINITION—P-223NR. As used in this chapter, "P-223NR" means the form entitled monthly report of school district nonresident enrollment. P-223NR forms are printed and distributed annually by the superintendent of public instruction to school districts with alternative education or vocational cooperatives. School districts use the P-223NR to report nonresident enrollments in alternative/academic education or vocational education programs approved pursuant to chapter 392-135 WAC as interdistrict cooperative programs. Enrollments reported on this form are used in calculating transfers of excess levy authority pursuant to WAC 392-139-330 and 392-139-340.

#### NEW SECTION

WAC 392-139-225 DEFINITION—FORM 1067. As used in this chapter, "Form 1067" means the form entitled special education cooperative enrollment, annual average full-time equivalent enrollment. Form 1067 is printed and distributed annually by the superintendent of public instruction to districts that have special education cooperatives. School districts use form 1067 to report AAFTE students residing in another district and enrolled in a program for education of handicapped children established as an interdistrict cooperative program pursuant to chapter 392-135 WAC. Enrollments from this report are used in calculating excess levy authority transfers pursuant to WAC 392-139-330 and 392-139-340.

#### NEW SECTION

WAC 392-139-230 DEFINITION—P-213. As used in this chapter, "P-213" means the form entitled report of students residing in nonhigh districts enrolled in high school districts. P-213 forms are printed and distributed annually by the superintendent of public instruction to high school districts educating students from nonhigh school districts. School districts use the P-213 to report enrollment of students residing in a nonhigh school district and enrolled in a high school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC. Enrollments reported on this form are used in calculating excess levy authority transfers from high school districts to nonhigh school districts pursuant to WAC 392-139-340.

#### NEW SECTION

WAC 392-139-235 DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT (AAFTE) RESIDENT ENROLLMENT. As used in this chapter "AAFTE resident enrollment" means the AAFTE students residing in a school district which shall be determined as follows:

- (1) Determine total AAFTE students enrolled in the school district for the school year;
- (2) Add AAFTE students residing in the school district but enrolled in another school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.58.075, 28A.58.245, and chapter 392-135 WAC;
- (3) Add AAFTE students residing in the school district but enrolled in another school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC;
- (4) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.58.075, 28A.58.245, and chapter 392-135 WAC;
- (5) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC.

#### NEW SECTION

WAC 392-139-240 DEFINITION—BASE YEAR LEVY PERCENTAGE. As used in this chapter, "base year levy percentage" means the greater of:

- (1) The school district's actual levy percentage for calendar year 1985;
- (2) The average levy percentage for all school district levies in the state in calendar year 1985; or
- (3) The average levy percentage for all school district levies in the educational service district of the school district in calendar year 1985.

#### NEW SECTION

WAC 392-139-245 DEFINITION—LEVY REDUCTION FUNDS. As used in this chapter, "levy reduction funds" means the increases in state allocations to a school district determined as follows:

- (1) For calendar year 1988, the following basic education allocations for the 1987-88 school year calculated pursuant to section 503, chapter 7, Laws of 1987 1st ex. sess. shall be recognized as levy reduction funds:
  - (a) Salaries and benefits for one additional certificated instructional staff unit for each one thousand AAFTE students in kindergarten through third grade; and
  - (b) Nonemployee related costs for two additional certificated instructional staff units for each one thousand AAFTE students in kindergarten through third grade.
- (2) For calendar year 1989, the following basic education allocations for the 1988-89 school year calculated pursuant to section 503, chapter 7, Laws of 1987 1st ex. sess. shall be recognized as levy reduction funds: Salaries, benefits, and nonemployee related costs for one additional certificated instructional staff unit for each one thousand AAFTE students in kindergarten through third grade.

#### DETERMINATION OF EXCESS LEVY AUTHORITY

**NEW SECTION**

**WAC 392-139-300 ESTABLISHMENT OF EXCESS LEVY AUTHORITY FOR SCHOOL DISTRICTS—GENERAL.** Notwithstanding such larger dollar amount as may be approved by the electorate of a school district pursuant to RCW 84.52.053, the maximum dollar amount of any school district's certified excess levy for any given calendar year beginning with 1988 shall equal the excess levy authority established by the superintendent of public instruction in accordance with the following procedures:

(1) Only figures and data gathered and approved by the superintendent of public instruction shall be used.

(2) Each district's excess levy authority shall be determined as follows:

(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by the district's maximum excess levy percentage determined pursuant to WAC 392-139-320;

(b) Adjust the district's excess levy authority for transfers determined pursuant to WAC 392-139-330 and 392-139-340; and

(c) Subtract the district's maximum local effort assistance determined pursuant to WAC 392-139-660.

(3) If excess levy authority calculations made pursuant to this chapter are dependent on factors which are not finalized at the time of the calculations, the superintendent of public instruction shall base the calculations on estimates at the time of the calculations.

(4) In calculations of excess levy authority performed pursuant to this chapter, dollars shall be rounded to the nearest whole dollar, student enrollments shall be rounded to two decimal places, ratios shall be rounded to four decimal places, and percentages shall be rounded to two decimal places.

(5) The superintendent of public instruction shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter.

**NEW SECTION**

**WAC 392-139-310 DETERMINATION OF EXCESS LEVY BASE.** In calendar year 1987 and each year thereafter, the superintendent of public instruction shall calculate each school district's excess levy base to be used in establishing the district's excess levy authority for the next calendar year.

(1) The dollar amount of each school district's excess levy base equals the sum of state and federal allocations identified in subsection (2) of this section increased by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year.

(2) Each district's excess levy base includes the following state and federal allocations for the district for the prior school year:

(a) The district's basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The district's state and federal categorical allocations for the following programs:

(i) Pupil transportation. Allocations for pupil transportation include allocations for programs identified by the following accounts:

4199 Transportation - operations; and

4499 Transportation reimbursement - depreciation.

(ii) Handicapped education. Allocations for handicapped education include allocations for programs identified by the following accounts:

4121 Education of handicapped children;

6124 Handicapped supplemental, EHA, Part B; and

6127 Handicapped deinstitutionalized.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations for program 4174 Gifted and talented.

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education. Allocations for compensatory education include allocations for programs identified by the following accounts:

4155 Remediation;

4165 Transitional bilingual;

6151 Remediation, ECIA chapter 1;

6153 Migrant, ECIA chapter 1;

6162 Refugee programs;

6164 Bilingual, Title VII, P.L. 95-561 (SPI);

6167 Indian education, JOM;

6264 Bilingual, Title VII, P.L. 95-561 (direct); and

6268 Indian education, P.L. 92-318.

(v) Food services. Allocations for food services include allocations for programs identified by the following accounts:

4198 Food services (state);

6198 Food services (federal); and

6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations for programs identified as 6176 Instructional aid, ECIA, chapter 2.

(c) The district's federal allocations for programs identified by the following accounts:

5200 General purpose direct grants, unassigned;

6100 Special purpose, SPI, unassigned;

6138 Secondary vocational education, P.L. 98-524;

6146 Skills center;

6177 Mathematics and science;

6200 Direct special purpose grants; and

6246 Skills center, direct federal grant.

(3) Revenue accounts referenced in subsection (2) of this section are from the September 1986 accounting manual for public school districts in the state of Washington as revised September 1987. Revenues for programs identified by these account numbers and titles shall continue to qualify for inclusion in the excess levy base regardless of changes in account numbers or titles.

(4) For the purpose of administration of this chapter, the dollar amount of revenues for programs identified in subsection (2)(b) and (c) of this section shall be derived from the following sources:

(a) Program revenues which are reported on the August Report 1197 for the prior school year are taken from that report. The amount of revenue included in the levy base equals the amount of the annual allotment due (Report 1197, column A). Allocations taken from the Report 1197 include the following:

4121 Education of handicapped children;

4155 Remediation;

4165 Transitional bilingual;

4174 Gifted and talented;

4198 Food services (state);

4199 Transportation - operations;

4499 Transportation reimbursement - depreciation;

6124 Handicapped supplemental, EHA, part B;

6127 Handicapped deinstitutionalized;

6138 Secondary vocational education, P.L. 98-524;

6146 Skills center;

6151 Remediation, ECIA chapter 1;

6153 Migrant, ECIA chapter 1;

6162 Refugee programs;

6176 Instructional aid, ECIA, chapter 2;

6177 Mathematics and science; and

6198 Food services (federal).

(b) Program revenues which are not reported on the August Report 1197 of the prior school year are taken from the F-195, school district budget, for the prior school year. Allocations taken from the F-195 include the following:

5200 General purpose direct grants, unassigned;

6100 Special purpose, SPI, unassigned;

6164 Bilingual, Title VII, P.L. 95-561 (SPI);

6167 Indian education, JOM;

6200 Direct special purpose grants;

6246 Skills center, direct federal grant;

6264 Bilingual, Title VII, P.L. 95-561 (direct);

6268 Indian education, P.L. 92-318; and

6998 USDA commodities.

**NEW SECTION**

**WAC 392-139-320 DETERMINATION OF MAXIMUM EXCESS LEVY PERCENTAGE.** In calendar year 1987 and each year thereafter, the superintendent of public instruction shall calculate each school district's maximum excess levy percentage for the next calendar year as provided in this section.

(1) For excess levy collections in calendar year 1988 each district's maximum excess levy percentage shall be the greater of twenty percent or the percentage calculated as follows:

(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by the district's base year levy percentage determined pursuant to WAC 392-139-240;

(b) Subtract the district's levy reduction funds for the calendar year of the levy pursuant to WAC 392-139-245; and

(c) Divide the result by the district's excess levy base.

(2) For excess levy collections in calendar year 1989 and thereafter each district's maximum excess levy percentage shall be the greater of twenty percent or the percentage calculated as follows:

- (a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310; by
- (b) The lesser of thirty percent or the district's maximum excess levy percentage for the current calendar year;
- (c) Subtract the district's levy reduction funds for the year of the levy determined pursuant to WAC 392-139-245; and
- (d) Divide the result by the district's excess levy base.

#### NEW SECTION

WAC 392-139-330 DETERMINATION OF EXCESS LEVY AUTHORITY TRANSFERS FOR INTERDISTRICT COOPERATION PROGRAMS. In calendar year 1987 and each year thereafter, the superintendent of public instruction shall calculate the amount of levy authority transfers for the next calendar year for interdistrict cooperation programs as provided in this section. For students who during the prior school year resided in one school district (the sending district) but attended school in another school district (the serving district) pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC, the serving district's excess levy authority for the next calendar year shall be reduced and the sending district's excess levy authority for the next calendar year shall be increased by the same amount which shall be determined as follows:

- (1) Determine the serving district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustment for transfers of excess levy authority pursuant to this section and WAC 392-139-340;
- (2) Divide the result by the total AAFTE students enrolled in the serving district in the prior school year as reported on the district's August Report 1191; and
- (3) Multiply the result by the AAFTE students residing in the sending district and enrolled in the serving district in the prior school year pursuant to an interdistrict cooperation agreement as reported on forms P-223NR, and P-223H or 1067.

#### NEW SECTION

WAC 392-139-340 DETERMINATION OF EXCESS LEVY AUTHORITY TRANSFERS FROM HIGH SCHOOL DISTRICTS TO NONHIGH SCHOOL DISTRICTS. In calendar year 1987 and each year thereafter, the superintendent of public instruction shall determine the amount of excess levy authority transfers for the next calendar year from high school districts to nonhigh school districts as provided in this section. For students residing in a nonhigh school district but enrolled in a high school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC, the high school district's excess levy authority shall be reduced and the nonhigh school district's excess levy authority shall be increased by the same amount. The amount of the excess levy authority transfer shall equal the estimated excess levy authority transfer for the current school year calculated pursuant to subsection (1) of this section adjusted by the amount of the nonhigh billing adjustment for the prior school year calculated pursuant to subsection (2) of this section.

- (1) The estimated excess levy authority transfer for the current school year is determined as follows:
  - (a) Calculate the high school district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustments for transfers of excess levy authority pursuant to this section and WAC 392-139-330;
  - (b) Divide the result by the estimated total AAFTE students enrolled in the high school district in the current school year as reported to the superintendent of public instruction on form P-213; and
  - (c) Multiply the result by the estimated AAFTE students residing in the nonhigh school district and enrolled in the high school district for the current school year pursuant to chapter 28A.44 RCW as reported on form P-213.
- (2) The amount of the nonhigh billing adjustment for the prior school year is determined as follows:
  - (a) Determine the high school district's certified excess levy for the current calendar year;
  - (b) Divide the result by the high school district's AAFTE resident enrollment for the prior school year determined pursuant to WAC

392-139-235 using AAFTE student enrollments reported on the August Report 1191 and forms P-213, P-223NR, and P-223H or 1067; and

- (c) Multiply the result by the number of AAFTE students determined as follows:
  - (i) Determine the actual AAFTE students residing in the nonhigh school district and enrolled in the high school district in the prior school year pursuant to chapter 28A.44 RCW as reported in the current calendar year on form P-213; and
  - (ii) Subtract the estimated AAFTE students from the nonhigh school district enrolled in the high school district in the prior school year pursuant to chapter 28A.44 RCW as reported on form P-213 for the prior calendar year.

#### DEFINITIONS FOR LOCAL EFFORT ASSISTANCE

#### NEW SECTION

WAC 392-139-600 DEFINITION—ADJUSTED ASSESSED VALUATION. As used in this chapter, the term "adjusted assessed valuation" means the assessed valuation for excess levy purposes adjusted to one hundred percent by the county indicated ratio determined by the department of revenue pursuant to RCW 84.48.075.

#### NEW SECTION

WAC 392-139-605 DEFINITION—DISTRICT TEN PERCENT LEVY AMOUNT. As used in this chapter, "district ten percent levy amount" means the dollar amount determined for each school district as follows:

- (1) Perform the calculations pursuant to WAC 392-139-300 (2) (a) and (b) to arrive at the district excess levy authority after excess levy authority transfers but before subtracting maximum local effort assistance;
- (2) Divide the result by the district maximum excess levy percentage calculated pursuant to WAC 392-139-320; and
- (3) Multiply the result by ten percent.

#### NEW SECTION

WAC 392-139-610 DEFINITION—DISTRICT TEN PERCENT LEVY RATE. As used in this chapter, "district ten percent levy rate" means the district ten percent levy amount divided by the district adjusted assessed valuation for taxes collected in the current calendar year.

#### NEW SECTION

WAC 392-139-615 DEFINITION—STATE-WIDE AVERAGE TEN PERCENT LEVY RATE. As used in this chapter, "state-wide average ten percent levy rate" means ten percent of the total excess levy bases for the next calendar year determined pursuant to WAC 392-139-310 summed for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the current calendar year.

#### NEW SECTION

WAC 392-139-620 DEFINITION—ELIGIBLE DISTRICT. As used in this chapter, "eligible district" means a school district whose ten percent levy rate exceeds the state-wide average ten percent levy rate.

#### NEW SECTION

WAC 392-139-625 DEFINITION—STATE MATCHING RATIO. As used in this chapter, "state matching ratio" means the ratio calculated for each school district as follows:

- (1) Subtract the state-wide average ten percent levy rate from the district ten percent levy rate; and
- (2) Divide the result by the state-wide average ten percent levy rate.

#### DETERMINATION OF LOCAL EFFORT ASSISTANCE

#### NEW SECTION

WAC 392-139-650 DETERMINATION OF LOCAL EFFORT ASSISTANCE—GENERAL. In calendar year 1989 and each year thereafter, eligible districts shall be provided local effort assistance

funds as provided in section 102, chapter 2, Laws of 1987 1st ex. sess. Eligibility for local effort assistance, maximum local effort assistance for each eligible district, and local effort assistance allocations to each eligible district shall be established annually in accordance with the following general procedures:

(1) Only figures and data gathered and approved by the superintendent of public instruction shall be used.

(2) The superintendent of public instruction shall calculate each district's maximum local effort assistance, state matching ratio, and projected local effort assistance each year for the next calendar year pursuant to this chapter.

(3) The superintendent of public instruction shall calculate the actual amount of each eligible district's local effort assistance allocations in the calendar year of the allocations pursuant to WAC 392-139-670.

(4) If calculations of maximum local effort assistance or local effort assistance allocations made pursuant to this chapter are dependent on factors which are not finalized at the time of the calculations, the superintendent of public instruction shall base the calculations on estimates at the time of the calculations.

(5) In calculations of local effort assistance performed pursuant to this chapter, dollar amounts shall be rounded to the nearest whole dollar, ratios shall be rounded to four decimal places, percentages shall be rounded to two decimal places, and levy rates shall be rounded to six decimal places.

(6) The superintendent of public instruction shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter.

**NEW SECTION**

**WAC 392-139-660 DETERMINATION OF MAXIMUM LOCAL EFFORT ASSISTANCE.** In calendar year 1988 and each year thereafter, the superintendent of public instruction shall calculate maximum local effort assistance for each eligible district for the next calendar year as provided in this section.

(1) Maximum local effort assistance shall be calculated as follows:

(a) Subtract the state-wide average ten percent levy rate for the next calendar year from the district ten percent levy rate for the next calendar year;

(b) Divide the result by the district ten percent levy rate for the next calendar year; and

(c) Multiply the result by the district ten percent levy amount for the next calendar year.

(2) Notwithstanding subsection (1) of this section maximum local effort assistance for calendar year 1989 is reduced to reflect partial funding of local effort assistance by the legislature pursuant to section 212, chapter 2, Laws of 1987 1st ex. sess. Maximum local effort assistance for 1989 calculated pursuant to this subsection shall be based on the superintendent of public instruction's September estimate of the percentage of full funding for local effort assistance in 1989. Maximum local effort assistance calculated pursuant to this subsection shall be for the purpose of reducing excess levy authority determined pursuant to this chapter and shall not be construed to limit the actual amount of a district's local effort assistance allocations determined pursuant to WAC 392-139-670. Maximum local effort assistance for each eligible district for calendar year 1989 shall be determined as follows:

(a) Calculate fifty-five percent of the district's maximum local effort assistance pursuant to subsection (1) of this section;

(b) Multiply the result by the proration percentage determined as follows:

(i) Divide five million dollars by;

(ii) Fifty-five percent of the estimated total amount of local effort assistance allocations to all eligible school districts for calendar year 1989 using the superintendent of public instruction's estimate of certified excess levies for 1989 based on voter approved excess levies and excess levies planned for 1989; and

(c) Add to the result of subsection (2)(b) of this section an amount equal to forty-five percent of the district's maximum local effort assistance calculated pursuant to subsection (1) of this section.

**NEW SECTION**

**WAC 392-139-665 REPORTING OF CERTIFIED EXCESS LEVY AMOUNTS.** No later than the third Wednesday in December of 1988 and each year thereafter, each educational service district shall report to the superintendent of public instruction the certified excess

levies for the next calendar for school districts in the educational service district. Such report shall include copies of the documents used to certify excess levies to the board or boards of county commissioners pursuant to RCW 84.52.020.

**NEW SECTION**

**WAC 392-139-670 LOCAL EFFORT ASSISTANCE ALLOCATIONS.** In calendar year 1989 and each year thereafter, the superintendent shall allocate local effort assistance to each eligible district as provided in this section.

(1) The dollar amount of local effort assistance allocated to each eligible district for the calendar year shall equal the lesser of the following amounts:

(a) The district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or

(b) The district's maximum local effort assistance for the calendar year calculated pursuant to WAC 392-139-660(1).

(2) The superintendent of public instruction shall allocate local effort assistance due to each eligible district fifty-five percent on or before June 30 and the remaining forty-five percent on or before December 31. Allocations shall be made through monthly apportionment payments according to the following schedule:

January	10.5%	
February	10.5%	
March	10.5%	
April	10.5%	
May	6.5%	
June	6.5%	First six months 55%
July	8.5%	
August	8.5%	
September	7.5%	
October	7.5%	
November	5.5%	
December	7.5%	Second six months 45%
Total	100.0%	

(3) Notwithstanding subsections (1) and (2) of this section, the first six payments of local effort assistance in calendar year 1989 shall be reduced to reflect partial funding of local effort assistance by the legislature pursuant to section 212, chapter 2, Laws of 1987 1st ex. sess. The first six local effort assistance payments to each eligible school district in calendar year 1989 shall equal the amount determined as follows:

(a) Calculate a proration percentage as follows:

(i) Divide five million dollars by;

(ii) Fifty-five percent of the total amount of local effort assistance allocations to all eligible districts for calendar year 1989 as determined pursuant to WAC 392-139-300 through 392-139-660 and subsection (1) of this section assuming full funding of local effort assistance and using certified excess levy amounts known at the time of the calculation.

(b) Determine the amount that the district would receive for local effort assistance pursuant to WAC 392-139-300 through 392-139-660 and subsection (1) of this section assuming full funding of local effort assistance and using certified excess levy amounts at the time of the calculation;

(c) Multiply the result of (b) of this subsection by the percentage of local effort assistance due for the month as shown on the schedule in subsection (2) of this section; and

(d) Multiply the result of (c) of this subsection by the proration percentage calculated in subsection (a) of this subsection.

**NOTIFICATION PROVISIONS**

**NEW SECTION**

**WAC 392-139-900 NOTIFICATION OF AMOUNTS CALCULATED.** The superintendent of public instruction shall notify school districts of amounts calculated pursuant to this chapter as provided in this section.

(1) Prior to October 7, 1987, the superintendent of public instruction shall notify each school district, and the county assessor, and chairman of the board of county commissioners of the county in which

the district is headquartered of the results of calculations made for the district pursuant to this chapter for the 1988 calendar year including the following:

- (a) Excess levy authority; and
  - (b) Maximum excess levy percentage.
- (2) Prior to the first Wednesday following the first Monday in October of each year beginning in 1988, the superintendent of public instruction shall notify each school district and the county assessor and chairman of the board of county commissioners of the county in which the district is headquartered of the results of calculations made for the district pursuant to this chapter for the next calendar year including the following:
- (a) Excess levy authority;
  - (b) Maximum excess levy percentage;
  - (c) Eligibility for local effort assistance; and
  - (d) If eligible for local effort assistance:
    - (i) Maximum local effort assistance;
    - (ii) State matching ratio;
    - (iii) Certified excess levy necessary to qualify for maximum local effort assistance; and
    - (iv) Projected local effort assistance allocation based on the superintendent of public instruction's estimate of certified excess levies for the next calendar year at the time of the notice.
- (3) At the time of the January apportionment payment in calendar year 1989 and each year thereafter, the superintendent of public instruction shall notify each eligible district of the amount of the district's local effort assistance allocations for the year determined pursuant to WAC 392-139-670.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-139-010 ESTABLISHMENT OF THE MAXIMUM DOLLAR AMOUNT OF SCHOOL DISTRICT LEVIES—GENERAL.
- WAC 392-139-016 DEFINITIONS.
- WAC 392-139-017 ADDITIONAL DEFINITIONS.
- WAC 392-139-018 ADDITIONAL DEFINITIONS.
- WAC 392-139-021 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO BASIC EDUCATION ALLOCATION.
- WAC 392-139-022 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO LESS THAN ONE HUNDRED PERCENT FUNDING OF THE BASIC EDUCATION ALLOCATION FORMULA.
- WAC 392-139-026 DETERMINATION OF ADDITIONAL EXCESS GENERAL FUND LEVY CAPACITY.
- WAC 392-139-031 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO STATE-FUNDED CATEGORICAL PROGRAMS.
- WAC 392-139-036 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY TO BE TRANSFERRED FROM THE NONRESIDENT SCHOOL DISTRICT TO THE RESIDENT SCHOOL DISTRICT FOR INTERDISTRICT COOPERATION PROGRAMS.
- WAC 392-139-037 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY TO BE TRANSFERRED FROM THE HIGH SCHOOL DISTRICT TO THE NONHIGH SCHOOL DISTRICT.
- WAC 392-139-038 NOTIFICATION OF MAXIMUM LEVY COLLECTION AMOUNTS.

#### **WSR 87-22-026**

#### **PROPOSED RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 28, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning WAC 392-195-010 and 392-195-015;

that the agency will at 9:00 a.m., Monday, December 14, 1987, in the State Board of Education Conference Room, SPI, 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 28A.71.210.

Dated: October 22, 1987

By: Frank B. Brouillet  
Superintendent of Public Instruction

#### **STATEMENT OF PURPOSE**

Rule: Chapter 392-195 WAC.

Rule Section(s): WAC 392-195-010 and 392-195-015.

Statutory Authority: RCW 28A.71.210.

Purpose of the Rule(s): To implement changes in the school personnel in-service training program.

Summary of the New Rule(s) and/or Amendments: WAC 392-195-010 redefines needs assessment; and 392-195-015 further specifies role of task force and specifies that applicant must have a signed statement of assurance.

Reasons Which Support the Proposed Action(s): Legislative action.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Dr. Ted Andrews, Professional Education, 3-3222; and Enforcement: Charles R. (Bob) Marshall, Deputy Superintendent, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### AMENDATORY SECTION (Amending Order 84-44, filed 10/2/84)

WAC 392-195-010 DEFINITIONS. As used in this chapter:

- (1) "Applicants" shall mean common school districts and educational service districts.
- (2) "In-service training" shall mean a cooperatively planned program of training for job-related activities designed to increase the competencies of common school certificated and classified employees in the performance of their assigned responsibilities.
- (3) "Needs assessment" shall mean a systematic study ~~((of))~~ to determine strengths and weaknesses of certificated and classified personnel related to the educational needs of the community(=staff)) and students to be served.
- (4) "Funds" shall mean those funds appropriated by the legislature and available for the conduct and evaluation of in-service training programs.

#### AMENDATORY SECTION (Amending Order 84-44, filed 10/2/84)

WAC 392-195-015 APPLICATION TO SPI FOR FUNDING. Applicants shall request funds from the superintendent of public instruction in accordance with the provisions set forth below:

- (1) Applicants shall conduct a needs assessment.
- (2) The board of an applicant shall appoint an advisory in-service training task force of members comprised of representatives from administrators, building principals, teachers, classified and support personnel employed by the applicant, an institution of higher education,

and the general public in such numbers as shall be established by the applicant board of directors.

(3) The applicant shall establish written goals and objectives, identify training activities relevant thereto and design evaluation procedures and criteria which assess the degree and level of attainment of the goals and objectives.

(4) The task force shall (~~review applications submitted~~) participate in identifying the in-service training needs and goals pursuant to this chapter and suggest changes, if any, in direction, focus, or evaluation methods. No application will be accepted which is not approved by a majority vote of the task force.

(5) Nonpublic school personnel may be invited to participate in continuing professional development activities by the applicant.

(6) The applicant shall demonstrate with a signed statement of assurance to the superintendent of public instruction its intention to implement the recommendations of the needs assessment.

(7) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant.

**WSR 87-22-027**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
**(Aeronautics Commission)**  
 [Filed October 28, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Aeronautics, Department of Transportation, intends to adopt, amend, or repeal rules concerning Aircraft—Indicia of registration, WAC 12-19-010;

that the agency will at 10:00 a.m., Friday, December 18, 1987, in the Board Room, 1D 2, Transportation 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 47.68.250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 2, 1987.

Dated: October 28, 1987  
 By: A. D. Andreas  
 Deputy Secretary

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Department of Transportation, Division of Aeronautics.

Purpose: To implement RCW 47.68.250, as amended by section 3, chapter 220, Laws of 1987.

Statutory Authority: RCW 47.68.250, as amended by section 3, chapter 220, Laws of 1987.

Summary of the Rule: Requires that every aircraft registered with the WSDOT display an insignia or decal, as provided by the WSDOT to evidence its registration.

Reason Proposed: The rule was previously in effect under the authority of the director of licensing. The 1987 legislative amendment to RCW 47.68.250 transferred the authority for administering the statute to the secretary of transportation.

Responsible Departmental Personnel: In addition to the secretary of transportation, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing this rule: William

H. Hamilton, Assistant Secretary for Aeronautics, 8600 Perimeter Road/Boeing Field, Seattle, WA 98108, phone (206) 764-4131, scan 443-4131.

Proponents: Washington State Department of Transportation.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required.

Chapter 12-19 WAC  
**AIRCRAFT—INDICIA OF REGISTRATION**

WAC  
 12-19-010 Display of indicia of registration.

NEW SECTION

WAC 12-19-010 DISPLAY OF INDICIA OF REGISTRATION. (1) That every aircraft registered with the Washington state department of transportation shall prominently display an insignia or decal, to be provided by the Washington state department of transportation on the tail or fuselage of such aircraft, just above N number, or on the right rear window panel, as evidence of registration;

(2) That no aircraft which is not lawfully registered shall display such insignia or evidence of registration, or any other mark, number, decal or insignia which might be reasonably believed to be evidence of state registration; and

(3) That failure to display such insignia shall be prima facie evidence that such aircraft is not registered.

**WSR 87-22-028**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
**(Library Commission)**  
 [Memorandum—October 27, 1987]

December 2, 1987, 6:30 p.m.

The Washington State Library Commission (WSLC) will meet for dinner and a staff briefing at the Yukon Landing Restaurant in the Marriott Hotel, 3201 South 176th, Sea-Tac.

December 3, 1987, 10:00 a.m.

The Washington State Library Commission (WSLC) will meet in the Cascade Room of the West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Sea-Tac.

**WSR 87-22-029**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed October 28, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning WAC 308-61-026, 308-61-108, 308-61-135, 308-61-158 and 308-61-175 pertaining to registered tow truck operators; WAC 308-61-210, 308-61-240 and 308-61-260 pertaining to wreckers; and

WAC 308-61-330 and 308-61-430 pertaining to hulk haulers and scrap processors;

that the agency will at 2:00 p.m., Wednesday, December 9, 1987, in the 4th Floor Conference Room, Department of Licensing Building, 12th and Franklin Streets, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 46.55.190, 46.80.140 and 46.79.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1987.

Dated: October 27, 1987

By: Theresa Anna Aragon  
Director

### STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: Chapter 308-61 WAC, Abandoned and inoperative vehicles, includes WAC 308-61-026 Definitions continued—Registered tow truck operator; 308-61-108 General licensing provisions; 308-61-135 General provisions; 308-61-158 Storage of vehicles; 308-61-175 Procedures for selling vehicles; 308-61-210 Wreckers—Special plates; 308-61-240 Wreckers—Records and procedures for monthly reports; 308-61-330 Hulk hauler—Procedures for acquiring and selling vehicles; and 308-61-430 Scrap processor—Procedures for acquiring vehicles for demolition.

Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080.

Summary of the Rules and Reasons Supporting the Proposed Rules: This notice proposes to amend several sections in chapter 308-61 WAC, abandoned and inoperative vehicles. Those amendments are for both house-keeping purposes and to bring the rules in compliance with recent statutory amendments.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Heather Hamilton, Administrator, Dealer/Manufacturer Control, Department of Licensing Building, Olympia, Washington 98504, (206) 753-6924; and David T. Kirk, Assistant Director, Vehicle Services, Department of Licensing Building, Olympia, Washington 98504, (206) 753-6914.

Name of Organization Proposing the Rule Amendments: Department of Licensing.

Agency Comments or Recommendations: None.

The amendments to these rules are not necessary to comply with a federal law or a federal or state court decision.

A small business economic impact statement is not required and none has been filed.

### AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-026 DEFINITIONS CONTINUED—REGISTERED TOW TRUCK OPERATOR. (1) "Affidavit of sale" - that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall state that the sale was conducted properly pursuant to chapter 46.55 RCW. The affidavit may be

submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" - a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a physical barrier at least as strong as one strand of chain, cable or barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is leveled and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" - is that document, prescribed by the department, by which the operator is to report to the department his/her possession of an abandoned vehicle.

(4) "Notice of custody and sale" - is that document sent by the operator to the registered owner, legal owner (lien holder) (~~and to a vehicle purchaser identified on a seller's report of sale;~~) giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner (~~or the purchaser identified on a seller's report of sale;~~).

(5) "Registered tow truck operator's business location" - is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

### AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-108 GENERAL LICENSING PROVISIONS. (1) Staggered licensing - the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage - additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance. (~~Each additional storage location must be operated under the same name as the principle place of business where files are kept and must be within the same county. If an operator locates in another county a separate registration is required;~~)

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) Change of name and/or address - the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(~~(4)~~) (5) Changes of ownership - any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.

(~~(5)~~) (6) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

### AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-135 GENERAL PROVISIONS. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101. (~~The buyer shown on a seller's report shall be considered an owner of record for purposes of the deficiency claim in this chapter.~~)



~~(4) The immediate notice (within 24 hours) and the notice of custody and sale must be mailed to the buyer shown on the seller's report of sale (filed with the department) in the same manner as notices are sent to other owners of record.~~

~~(5)) (4) The junk vehicle affidavit of sale as described in (section 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.~~

~~((6)) (5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.~~

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent within the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-158 STORAGE OF VEHICLES. (1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished.

(2) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement ((or)), under police hold, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement ((or upon)), the lifting of a police hold, or when the writ or court order is no longer in effect, the operator shall begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within ((24)) twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator shall keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) Vehicles in the custody of an operator shall be kept entirely within a secure area owned or operated under that registration.

~~((4)) (5) An operator shall not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.~~

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-175 PROCEDURES FOR SELLING VEHICLES. (1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number shall be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator shall conduct ((a thorough)) an examination of the vehicle only to determine its make, model, year and vehicle identification number ~~((and to locate information leading to the name of the registered and legal owner and the state in which the vehicle was last registered))~~ which shall be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in section 8(5), chapter 311, Laws of 1987 to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may submit an additional abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the Washington state patrol to verify the vehicle identification number of ((such a)) an unidentified vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all

steps taken to locate the owner(s) of the vehicle shall be kept by the operator for a period of three years.

~~((4)) (8) If the operator elects to bid at auction, that bid must be disclosed as such, and ((may)) shall not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the excess funds shall be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.~~

AMENDATORY SECTION (Amending Order DOL 684, filed 5/27/82)

WAC 308-61-210 WRECKERS—SPECIAL PLATES. All vehicles used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle ~~((used))~~ used for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

AMENDATORY SECTION (Amending Order DOL 684, filed 5/27/82)

WAC 308-61-240 WRECKERS—RECORDS AND PROCEDURES FOR MONTHLY REPORTS. (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

(c) A record of each vehicle towed giving:

(i) A description of the vehicle ~~((st))~~ by make, model, year, identification number, license number and name of the owner; and

(ii) A statement giving the place where picked up, destination, and date.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following receipt of vehicles to be destroyed, each wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the

month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or ~~((further))~~ other adequate evidence of ownership, registration certificates ~~((, and receipts for license plates surrendered to an authorized representative of the department))~~: PROVIDED, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

**AMENDATORY SECTION** (Amending Order DOL 684, filed 5/27/82)

**WAC 308-61-260 WRECKERS—SELLING USED VEHICLES.** (1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard ~~((to))~~ to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

**AMENDATORY SECTION** (Amending Order 552-DOL, filed 9/7/79)

**WAC 308-61-330 HULK HAULER—PROCEDURES FOR ACQUIRING AND SELLING VEHICLES.** (1) Supporting acquisition for transport, resale. The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing only a registration certificate. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed hulk hauler:

(a) Private persons. Acquisitions from private persons may also be supported by ~~((affidavits of lost or stolen title and authorization(s) to dispose:))~~ an:

(i) Affidavit of lost or stolen title signed by the owner on record with the department, and release of interest from the owner.

(ii) ~~((Authorization to dispose))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(b) All licensees other than wreckers. In addition to a properly endorsed title, acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title signed by owners of record with the department, and release of interest from the owner.

(ii) ~~((Authorization to dispose signed by a law enforcement officer))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(iii) Affidavit of sale from a registered ~~((disposer))~~ tow truck operator.

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department may be supported by obtaining his invoice or bill of sale listing each vehicle by the wrecker's "yard number." Such invoice or bill of sale shall be given to the scrap processor purchasing the vehicles listed therein.

(2) Must possess supporting documentation. Before a hulk hauler may transport any vehicle for resale, he shall have in his possession documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his possession at all times while the vehicle is transported.

(3) Handling vehicles. A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that he may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed

on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) May sell to licensed wreckers and scrap processors. Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

**AMENDATORY SECTION** (Amending Order 552-DOL, filed 9/7/79)

**WAC 308-61-430 SCRAP PROCESSOR—PROCEDURES FOR ACQUIRING VEHICLES FOR DEMOLITION.** (1) Supporting acquisition. A scrap processor may acquire vehicles for demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed scrap processor:

(a) Private persons. Acquisition from private persons may also be supported by ~~((affidavits of lost or stolen title and authorizations to dispose:))~~ an:

(i) Affidavit of lost or stolen title and release of interest from the owner.

(ii) ~~((Authorization to dispose))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(b) All licensees other than wreckers. Acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title and release of interest from the owner.

(ii) ~~((Authorization to dispose))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(iii) Affidavit of sale from a registered tow truck operator.

(iv) Invoice or bill of sale from wrecker.

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department do not require the detailed supporting documentation otherwise required, provided that the wrecker has made monthly reports of vehicles wrecked or dismantled, or acquired for such purpose, and has provided an invoice or bill of sale listing each vehicle in the load to be purchased by "yard number." The scrap processor should verify that he is dealing only with currently licensed wreckers; for this purpose, the department will provide lists of licensed wreckers to scrap processors periodically.

(2) Out-of-state vehicles.

(a) Scrap processors may acquire vehicle salvage from out of state provided that the acquisition is supported by appropriate documentation of ownership of each vehicle of the types enumerated in subsection (1); or

(b) Submit an affidavit prepared by the out-of-state hauler certifying his rightful and true possession of the vehicles contained in the bulk shipment and that he has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 308-61-050 GROUNDS FOR DENIAL, SUSPENSION, REVOCATION AND, IN THE CASE OF A REGISTERED TOW TRUCK OPERATOR, ALSO A CIVIL FINE—UNLAWFUL PRACTICES.**

**WSR 87-22-030  
EMERGENCY RULES  
DEPARTMENT OF LICENSING  
[Order DLR/146—Filed October 28, 1987]**

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 308-61-026, 308-61-108, 308-61-135, 308-61-158 and 308-61-175 pertaining to registered tow truck operators;

WAC 308-61-210, 308-61-240 and 308-61-260 pertaining to wreckers; and WAC 308-61-330 and 308-61-430 pertaining to hulk haulers and scrap processors.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement statutory changes and to provide additional time for input from the various industries affected prior to adoption of permanent rules.

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 director of the Department of Licensing as authorized in RCW 46.55.190, 46.80.140 and 46.79.080.

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 October 27, 1987.

By Theresa Anna Aragon  
Director

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-026 DEFINITIONS CONTINUED—REGISTERED TOW TRUCK OPERATOR.

(1) "Affidavit of sale" – that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall state that the sale was conducted properly pursuant to chapter 46.55 RCW. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" – a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a physical barrier at least as strong as one strand of chain, cable or barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is leveled and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" – is that document, prescribed by the department, by which the operator is to report to the department his/her possession of an abandoned vehicle.

(4) "Notice of custody and sale" – is that document sent by the operator to the registered owner, legal owner (lien holder) (~~and to a vehicle purchaser identified on a seller's report of sale;~~) giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner (~~or the purchaser identified on a seller's report of sale~~).

(5) "Registered tow truck operator's business location" – is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-108 GENERAL LICENSING PROVISIONS. (1) Staggered licensing – the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage – additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance. (~~Each additional storage location must be operated under the same name as the principle place of business where files are kept and must be within the same county. If an operator locates in another county a separate registration is required.~~)

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) Change of name and/or address – the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

~~((4))~~ (5) Changes of ownership – any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.

~~((5))~~ (6) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-135 GENERAL PROVISIONS. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the

removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101. ~~((The buyer shown on a seller's report shall be considered an owner of record for purposes of the deficiency claim in this chapter.~~

~~((4) The immediate notice (within 24 hours) and the notice of custody and sale must be mailed to the buyer shown on the seller's report of sale (filed with the department) in the same manner as notices are sent to other owners of record.~~

~~((5))~~ (4) The junk vehicle affidavit of sale as described in (section 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

~~((6))~~ (5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-158 STORAGE OF VEHICLES.

(1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished.

(2) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement ((or)), under police hold, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement ((or upon)), the lifting of a police hold, or when the writ or court order is no longer in effect, the operator shall begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within ((24)) twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator shall keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) Vehicles in the custody of an operator shall be kept entirely within a secure area owned or operated under that registration.

~~((4))~~ (5) An operator shall not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-175 PROCEDURES FOR SELLING VEHICLES. (1) For purposes of advertising the

sale of abandoned vehicles the vehicle identification number shall be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator shall conduct ~~((a thorough))~~ an examination of the vehicle only to determine its make, model, year and vehicle identification number~~((, and to locate information leading to the name of the registered and legal owner and the state in which the vehicle was last registered))~~ which shall be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in section 8(5), chapter 311, Laws of 1987 to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may submit an additional abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the Washington state patrol to verify the vehicle identification number of ((such a)) an unidentified vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the operator for a period of three years.

~~((4))~~ (8) If the operator elects to bid at auction, that bid must be disclosed as such, and ~~((may))~~ shall not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the excess funds shall be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

AMENDATORY SECTION (Amending Order DOL 684, filed 5/27/82)

WAC 308-61-210 WRECKERS—SPECIAL PLATES. All vehicles used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle (~~(fused)~~) used for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

**AMENDATORY SECTION** (Amending Order DOL 684, filed 5/27/82)

**WAC 308-61-240 WRECKERS—RECORDS AND PROCEDURES FOR MONTHLY REPORTS.**

(1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

(c) A record of each vehicle towed giving:

(i) A description of the vehicle(~~(fsj)~~) by make, model, year, identification number, license number and name of the owner; and

(ii) A statement giving the place where picked up, destination, and date.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following receipt of vehicles to be destroyed, each

wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or (~~(forder)~~~~(fother)~~) other adequate evidence of ownership, registration certificates(~~(, and receipts for license plates surrendered to an authorized representative of the department)~~): PROVIDED, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

**AMENDATORY SECTION** (Amending Order DOL 684, filed 5/27/82)

**WAC 308-61-260 WRECKERS—SELLING USED VEHICLES.** (1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard(~~(fsj)~~) to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

**AMENDATORY SECTION** (Amending Order 552-DOL, filed 9/7/79)

**WAC 308-61-330 HULK HAULER—PROCEDURES FOR ACQUIRING AND SELLING VEHICLES.** (1) Supporting acquisition for transport, resale. The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing only a registration certificate. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed hulk hauler:

(a) Private persons. Acquisitions from private persons may also be supported by ~~((affidavits of lost or stolen title and authorization[s] to dispose.))~~ an:

(i) Affidavit of lost or stolen title signed by the owner on record with the department, and release of interest from the owner.

~~(ii) ((Authorization to dispose))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(b) All licensees other than wreckers. In addition to a properly endorsed title, acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title signed by owners of record with the department, and release of interest from the owner.

~~(ii) ((Authorization to dispose signed by a law enforcement officer))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

~~(iii) Affidavit of sale from a registered ((disposer)) tow truck operator.~~

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department may be supported by obtaining his invoice or bill of sale listing each vehicle by the wrecker's "yard number." Such invoice or bill of sale shall be given to the scrap processor purchasing the vehicles listed therein.

(2) Must possess supporting documentation. Before a hulk hauler may transport any vehicle for resale, he shall have in his possession documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his possession at all times while the vehicle is transported.

(3) Handling vehicles. A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that he may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) May sell to licensed wreckers and scrap processors. Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

AMENDATORY SECTION (Amending Order 552-DOL, filed 9/7/79)

WAC 308-61-430 SCRAP PROCESSOR—PROCEDURES FOR ACQUIRING VEHICLES FOR DEMOLITION. (1) Supporting acquisition. A scrap processor may acquire vehicles for demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed scrap processor:

(a) Private persons. Acquisition from private persons may also be supported by ~~((affidavits of lost or stolen title and authorizations to dispose.))~~ an:

~~(i) Affidavit of lost or stolen title and release of interest from the owner.~~

~~(ii) ((Authorization to dispose))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(b) All licensees other than wreckers. Acquisition from licensees other than wreckers may also be supported by one of the following:

~~(i) Affidavit of lost or stolen title and release of interest from the owner.~~

~~(ii) ((Authorization to dispose))~~ Affidavit of sale from the landowner who has complied with RCW 46.55.230.

~~(iii) Affidavit of sale from a registered tow truck operator.~~

~~(iv) Invoice or bill of sale from wrecker.~~

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department do not require the detailed supporting documentation otherwise required, provided that the wrecker has made monthly reports of vehicles wrecked or dismantled, or acquired for such purpose, and has provided an invoice or bill of sale listing each vehicle in the load to be purchased by "yard number." The scrap processor should verify that he is dealing only with currently licensed wreckers; for this purpose, the department will provide lists of licensed wreckers to scrap processors periodically.

(2) Out-of-state vehicles.

(a) Scrap processors may acquire vehicle salvage from out of state provided that the acquisition is supported by appropriate documentation of ownership of each vehicle of the types enumerated in subsection (1); or

(b) Submit an affidavit prepared by the out-of-state hauler certifying his rightful and true possession of the vehicles contained in the bulk shipment and that he has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-61-050 GROUNDS FOR DENIAL, SUSPENSION, REVOCATION AND, IN THE CASE OF A REGISTERED TOW TRUCK OPERATOR, ALSO A CIVIL FINE—UNLAWFUL PRACTICES.

**WSR 87-22-031**

**NOTICE OF PUBLIC MEETINGS**

**WHATCOM COMMUNITY COLLEGE**

[Memorandum—October 27, 1987]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular meeting at the following time and place: November 10, 1987, Tuesday, 2:00 p.m., Board Room, Cordata Facility, 237 West Kellogg Road, Bellingham, WA 98226.

**WSR 87-22-032**  
**ADOPTED RULES**  
**LOTTERY COMMISSION**  
 [Order 105—Filed October 29, 1987]

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

- Amd WAC 315-32-040 Prizes for Lotto.
- Amd WAC 315-32-050 Ticket purchases.
- Amd WAC 315-32-060 Drawings.

This action is taken pursuant to Notice Nos. WSR 87-17-066 and 87-20-002 filed with the code reviser on August 19, 1987, and September 25, 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 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 16, 1987.

By Scott Milne  
 Deputy Director

AMENDATORY SECTION (Amending Order 92, filed 5/22/86)

WAC 315-32-040 PRIZES FOR LOTTO. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Lotto drawing distributed over the number of winning tickets in each category. The prize amount to be paid in the fourth prize category is a fixed value and shall be the same regardless of the number of fourth prize winners.

<u>WINNING COMBINATIONS</u>	<u>PRIZE CATEGORIES</u>	<u>ODDS OF WINNING (ONE PLAY)</u>
All six winning numbers in one play	First Prize (Jackpot)	1:7,059,052
Any five but not six winning numbers in one play	Second Prize	1:30,960
Any four but not five or six winning numbers in one play	Third Prize	1:670
Any three but not four, five, or six winning numbers in one play	Fourth Prize	1:42

(2) Prize allocation. The prize allocation consists of forty-five percent of Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: Prize pool—forty-three percent of Lotto revenue and prize reserve—two percent of Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who

selected all six winning numbers in one play (in any sequence). The director may increase the cash value of the jackpot by an amount not to exceed the amount in the prize reserve.

(b) Second prize. Ten percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Nineteen percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. All players who selected three of the six winning numbers in one play (in any sequence) will receive a free ticket of \$1.00 value for a future purchase of Lotto or Daily Number Game tickets.

(e) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(f) All prizes will be rounded to nearest dollar. The remainder or shortages, if any, from the rounding process shall be placed in or taken from the prize reserve.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

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

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

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6), provided, fourth prize winning tickets submitted to the lottery for payment will receive \$1.00 in lieu of a free ticket.

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.

(b) Each prize that has a cash value (~~(from)~~) of more than \$250,000 up to but not including \$500,000 shall, at the discretion of the director, be paid either in ten annual payments or twenty annual payments.

(c) Each prize that has a cash value of (~~(less than)~~) \$250,000 or less shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

AMENDATORY SECTION (Amending Order 81, filed 11/5/85)

WAC 315-32-050 TICKET PURCHASES. (1) Lotto tickets may be purchased between 6:00 a.m. and 11:00 p.m., Sunday (~~(through Friday)~~), Monday, Tuesday, Thursday, Friday and from 6:00 a.m. to the time established under WAC 315-30-040(2) (~~(on)~~) and immediately following the drawing on Wednesdays and Saturdays, provided that on-line retailers shall sell tickets only during their normal business hours.

(2) Lotto tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Lotto tickets shall on the front of the ticket contain the player's selection of numbers, amount, game grids played, drawing date, and validation and reference numbers. The back of the ticket shall contain overall odds of winning, player instructions, player information and signature area, and the ticket serial number.

(4) Lotto tickets may be purchased for the next drawing only.

AMENDATORY SECTION (Amending Order 81, filed 11/5/85)

WAC 315-32-060 DRAWINGS. (1) (~~(A)~~) The Lotto drawing shall be held each week on Wednesday and Saturday evenings, except that the director may change the drawing schedule if Wednesday or Saturday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, six winning numbers with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn numbers shall not be declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

**WSR 87-22-033**

**EMERGENCY RULES**

**BOARD OF ACCOUNTANCY**

[Order ACB-141—Filed October 29, 1987]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does

adopt the annexed rules relating to CPA exam policy on cheating, WAC 4-25-142.

We, the Members of the Board of Accountancy, 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 board presently has no rules pertaining to cheating on the CPA exam. The next exam will be given November 4-6, 1987, prior to public hearings on permanent rules.

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

This rule is promulgated pursuant to RCW 18.04.055 which directs that the Board of Accountancy has authority to implement the provisions of RCW 18.04.105 (1)(a) and (c).

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 October 22, 1987.

By Carey L. Rader  
Chief Executive Officer

*[NEW SECTION]*

WAC 4-25-142 CPA EXAM; POLICY ON CHEATING. (1) *Purpose.* *The purpose of a cheating policy is to set forth guidelines in regard to the penalties the board will impose if it discovers instances of cheating during an examination. Such instances may include, but not be limited to:*

*a: Communication between candidates inside or outside of the examination room, or copying another's answers.*

*b: Communication with others outside of examination room.*

*c: Substitution by a candidate of another person to sit in the examination room in his stead and write one or more of the examination papers for him.*

*d: Reference to crib sheets, text books or other material inside or outside the examination room.*

(2) *Policy.* *Cheating on the CPA examination will be considered as dishonesty related to the professional responsibilities of a CPA and as such will be cause for disqualification.*

*Penalties that may be imposed by the board for cheating on the examination will be based upon the seriousness of the situation. Penalties may range from the entering of a failing grade on all parts of the examination in which cheating occurred, suspension of the right to sit for future examinations, and/or immediate expulsion from the examination room.*

*When a candidate is suspected of cheating, the candidate may be moved to a position in the examination room away from other candidates. Any candidate suspected of cheating or who may have observed cheating may be requested to remain for a reasonable period of time following an examination session and questioned by*



board members or their representatives. These members or representatives shall report to the board regarding this incident. The board, after notice to the candidate, may schedule a hearing to determine the validity of the charge of cheating. The candidate shall be provided a written decision and order of the board following this hearing.

If more than one candidate is knowingly involved in a connected offense of cheating, all persons so involved are subject to penalties, although not necessarily of the same severity.

Other jurisdictions to which a candidate may apply for the examination will be notified of the penalty levied in this state.

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

### WSR 87-22-034

#### NOTICE OF PUBLIC MEETINGS BOARD FOR VOLUNTEER FIREMEN

[Memorandum—October 28, 1987]

The 1988 quarterly business meetings for the Board for Volunteer Firemen will be held at the Olympia Forum Building, 605 11th Avenue S.E., Olympia, Washington at 9:00 a.m. on the following dates:

January 20, 1988  
April 22, 1988  
July 22, 1988  
October 17, 1988

### WSR 87-22-035

#### NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—October 30, 1987]

Edmonds Community College board of trustees will be holding a retreat November 6 and 7, 1987, at the LaConner Inn, LaConner, Washington. Topics of discussion include faculty negotiations, enrollment, accreditation, personnel and the 1988 legislative session. The board may from time to time call an executive session. No action will be taken at the retreat.

### WSR 87-22-036

#### EMERGENCY RULES DEPARTMENT OF NATURAL RESOURCES

[Order 532—Filed October 30, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the lifting of forest closure restrictions in Western Washington and the extension of fire season, burning restrictions, and regions of extra fire hazard - closed to entry.

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 weather conditions and forecasted weather conditions allow the lifting of restrictions which restricted access to and all activities on forest lands in Western Washington. Fire conditions still warrant continuing burning restrictions and other existing recreational restrictions until November 15th, including fire season.

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

This rule is promulgated pursuant to RCW 76.04.005, 76.04.015, 76.04.315, 76.04.325 and 76.04.305 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 October 30, 1987.

By Brian J. Boyle  
Commissioner of Public Lands

#### NEW SECTION

**WAC 332-26-103a OUTDOOR BURNING RESTRICTIONS.** Effective immediately, Friday, October 30, 1987, through midnight, Sunday, November 15, 1987, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-211, on lands protected by the department in Whatcom, Skagit, Snohomish, Island, San Juan, King, Pierce, Kitsap, Mason, Thurston, Lewis, Grays Harbor, Pacific, Cowlitz, Wahkiakum, Clark, Skamania, Chelan, Kittitas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane and Lincoln counties are suspended.

**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 332-26-104a BURNING BARREL RESTRICTIONS.** Effective immediately, Friday, October 30, 1987, through midnight, Sunday, November 15, 1987, privileges to burn in a burning barrel, as allowed by WAC 332-24-201 and described in WAC 332-24-225, on lands protected by the department in Whatcom, Skagit, Snohomish, Island, San Juan, King, Pierce, Kitsap, Mason, Thurston, Lewis, Grays Harbor, Pacific, Cowlitz, Wahkiakum, Clark, Skamania, Chelan, Kittitas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane and Lincoln counties are suspended.

**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 332-26-105a **CLOSED SEASON.** Effective immediately, Friday, October 30, 1987, the closed season, as defined in RCW 76.04.005, is extended to midnight, Sunday, November 15, 1987, due to prevailing fire weather conditions statewide.

AMENDATORY SECTION [(Amending Emergency Order 531, filed 10/26/87)]

WAC 332-26-500a **FOREST CLOSURE.** (1) Effective midnight, Monday, October 26, 1987, through midnight, (~~Monday, November 2, 1987,~~) Friday, October 30, 1987, all access to forest land and all activities on forest land, protected by the Department of Natural Resources, are prohibited in Wahkiakum, Cowlitz, Clark and Skamania counties. All persons are excluded from forest lands except those persons present in the interest of fire protection.

(2) Effective midnight, Monday, October 26, 1987 through midnight, (~~Monday, November 2, 1987,~~) Friday, October 30, 1987, the following restrictions shall apply to all forest lands protected by the Department of Natural Resources in Whatcom, Skagit, Snohomish, King, Pierce, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Thurston, Lewis, Pacific, San Juan, and Island counties:

(a) All access to and activities on forest land are prohibited between the hours of 2 pm and one hour before daylight, local time. During this time period, all persons are excluded from forest lands except those persons present in the interest of fire protection;

(b) No overnight camping is allowed on forest land except in approved campgrounds such as state, county, municipal and recognized private campgrounds. Department of Natural Resources campgrounds are not considered approved campgrounds;

(c) All industrial operations shall cease operation when the relative humidity reaches 30%.

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

NEW SECTION

WAC 332-26-011a **SOUTHWEST REGION CLOSURES.** Cowlitz County.

Cowlitz County: Township 8 North, Range 3 East: E1/2, E1/2W1/2, Section 4; all Section 12; S1/2 Section 14; SE1/4 Section 15; all Section 22; N1/2, SW1/4 Section 23; NW1/4 Section 26; all Section 27; SW1/4 Section 28; NE1/4 Section 33; NW1/4 Section 34. Township 8 North, Range 4 East: SW1/4 Section 4; all Section 5; all Section 6; all Section 7; all Section 8; all Section 9; W1/2 Section 10. Township 9 North, Range 3 East: E1/2 Section 36. Township 9 North, Range 4 East: S1/2 Section 31.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and

time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective immediately, Friday, October 30, 1987, to midnight, Sunday, November 15, 1987.

NEW SECTION

WAC 332-26-021a **OLYMPIC REGION CLOSURES.** Clallam, Jefferson and Grays Harbor Counties.

Clallam County: Township 30 North, Range 14 West: S1/2NW1/4, NE1/4, N1/2SW1/4, N1/2SE1/4, SE1/4SW1/4, SW1/4SE1/4 Section 24; NE1/4 E1/2NW1/4 Section 26; SE1/4SE1/4 Section 28; S1/2SW1/4, NW1/4SW1/4, SW1/4NW1/4, SE1/4 Section 29; W1/2SW1/4, SE1/4 Section 32; N1/2NW1/4, SW1/4 Section 33; NE1/4NE1/4 Section 34; SW1/4SE1/4 Section 35. Township 30 North, Range 13 West: N1/2SW1/4 east of 9000 road, W1/2NW1/4 west of 9000 road Section 13; W1/2NW1/4 Section 19; W1/2NW1/4, W1/2SW1/4, SE1/4 Section 22; S1/2NE1/4, SE1/4, E1/2SW1/4 Section 23; W1/2 west of 9000 road Section 24; N1/2NE1/4, SE1/4NE1/4, E1/2SW1/4 west of Lake Pleasant Road Section 26; E1/2NE1/4, S1/2NW1/4 Section 27; SE1/4NE1/4 Section 28; E1/2SE1/4 west of Conley Road Section 35; SE1/4SW1/4, W1/2SW1/4 east Conley Road Section 36. Township 29 North, Range 15 West: E1/2SW1/4, Lot 3 Section 4; SW1/4SE1/4 Section 5; NE1/4, E1/2SW1/4 Section 8; SW1/4, S1/2NW1/4 Section 9; SW1/4, S1/2NW1/4 Section 12; E1/2SE1/4 Section 23; S1/2, SW1/4NW1/4 Section 24; N1/2NW1/4, SW1/4NW1/4 Section 25. Township 29 North, Range 14 West: W1/2SW1/4 Section 4; SW1/4 Section 12; NE1/4NW1/4, N1/2NE1/4 west of East Fork Dickey River Section 13; N1/2SE1/4, E1/2SW1/4 Section 21; S1/2SE1/4, S1/2SW1/4, NW1/4SW1/4, SW1/4NW1/4, N1/2NW1/4 Section 22; SE1/4SE1/4 east of county road Section 31. Township 28 North, Range 14 West: SE1/4NE1/4 north of Kilmer Road Section 19; W1/2NW1/4 north and west of Kilmer Road, E1/2SE1/4 Section 20; SW1/4SW1/4 Section 21. Township 28 North, Range 13 West: SE1/4SW1/4, N1/2SW1/4, SW1/4NW1/4 Section 21; SW1/4 Section 27; SE1/4SE1/4 Section 28.

Jefferson County: Township 27 North, Range 14 West; NW1/4, W1/2NE1/4 Section 2; all Section 3; all Section 4; E1/2NE1/4, E1/2SE1/4 Section 5;

NE1/4SE1/4, E1/2NW1/4, E1/2SW1/4 Section 8; all Section 9; all Section 10; all except SE1/4SE1/4 Section 11; N1/2NW1/4, NW1/4NE1/4 Section 14; NW1/4, N1/2NE1/4, SW1/4NE1/4 Section 15; all except S1/2SW1/4 Section 16. Township 27 North, Range 13 West: NE1/4, N1/2SE1/4 Section 32; SW1/4NW1/4, W1/2NE1/4, E1/2SW1/4, W1/2SE1/4 Section 33; NW1/4, N1/2SW1/4, E1/2NE1/4 Section 34; NW1/4, N1/2SW1/4 Section 35. Township 27 North, Range 12 West: SW1/4, SE1/4 Section 29; NW1/4 Section 32. Township 27 North, Range 11 West: NW1/4, N1/2NE1/4, SW1/4NE1/4, NW1/4 SE1/4 Section 27. Township 26 North, Range 13 West: N1/2 Section 3; SW1/4SW1/4 Section 11; N1/2NW1/4, SW1/4NW1/4 Section 14; S1/2NE1/4, NE1/4NE1/4, E1/2NW1/4, NE1/4SW1/4 Section 15. Township 26 North, Range 12 West: N1/2SE1/4 north of SR 101 Section 7; NW1/4, SW1/4, W1/2NE1/4, W1/2SE1/4 Section 24; S1/2, NW1/4 Section 25; S1/2SW1/4 south of 1714 road Section 27; S1/2SE1/4, S1/2SW1/4 south of 1715 road Section 28; NE1/4, NE1/4NW1/4 Section 34.

Grays Harbor County: Township 17 North, Range 10 West: NE1/4NE1/4, NW1/4NE1/4, S1/2NE1/4, portions north of Little Hoquiam River, NW1/4, NE1/4, SW1/4 north of Little Hoquiam River, Lots 1 & 2 Section 3; NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, S1/2NW1/4, N1/2SW1/4, NE1/4SE1/4, NW1/4NE1/4, Lots 3 & 4 Section 4; N1/2NE1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4NW1/4, SE1/4NW1/4, N1/2SE1/4 Section 5. Township 18 North, Range 10 West: E1/2 except the NE1/4NE1/4 Section 10; all Section 12; that portion west of East Fork Hoquiam River Section 13; all Section 14; NE1/4 except the NE1/4NE1/4, E1/2NE1/4, E1/2SW1/4, E1/2, S1/2SW1/4, SW1/4SE1/4 Section 15; that portion east of Polson Slough and that portion east of the Hoquiam River Section 22; all Section 23; that portion west of the East Fork Hoquiam River Section 24; that portion west of the East Fork Hoquiam River Section 25; all Section 26; that portion east of the Hoquiam River, SW1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4 Section 27; SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4 Section 28; SE1/4SW1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4 Section 32; NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, SE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, E1/2SW1/4, E1/2NW1/4 Section 33; NW1/4NE1/4 that portion north of the Hoquiam River, NW1/4NE1/4, SW1/4NE1/4, NW1/4, SW1/4, NW1/4SE1/4, SW1/4SE1/4 Section 34; that portion north and east of the Hoquiam River, bordered by Panhandle Road and the East Fork Hoquiam River.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and

time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from immediately, Friday, October 30, 1987, to midnight, Sunday, November 15, 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.

**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 332-26-041a CENTRAL REGION CLOSURES. Lewis County.

Lewis County: Township 11 North, Range 5 West: all except N1/2N1/2 Section 1; all Section 2; E1/2, part E1/2W1/2 lying east of Chehalis River, Section 3; part S1/2 lying south and east of West Fork Chehalis River, Section 8; S1/2, part NW1/4 lying south of West Fork Chehalis River, S1/2NE1/4 Section 9; all except part NW1/4 lying northwest of the Chehalis River Section 10; part N1/2 lying north of Salmon Creek, part NW1/4SW1/4 Section 11; N1/2 Section 12; all Section 15; all Section 16; E1/2, part W1//2 lying east of West Fork Chehalis River Section 17. Township 12 North, Range 5 West: SW1/4, part SE1/4 lying south of Sand Creek Section 1; S1/2 Section 2; all Section 11; W1/2, W1/1E1/2, part N1/2N1/2NE1/4 Section 12; W1/2, W1/2E1/2 Section 13; E1/2, part W1/2 lying east of Big Creek Section 14; all except W1/2NW1/4NW1/4 Section 34; part S1/2NW1/4, SW1/4, part SE1/4 Section 35. Township 12 North, Range 6 East: all Section 1; W1/2, SE1/4, part W1/2NE1/4, part SE1/4NE1/4 Section 3; part NE1/4NE1/4 Section 10; part N1/2 Section 11. Township 13 North, Range 3 East: all Section 1; N1/2 Section 3; all Section 6; part E1/2 lying east of North Fork Tilton River Section 11; part N12 lying both north of North Fork Tilton River and North of Wallanding Creek Section 13. Township 14 North, Range 1 West: all Section 1; S1/2 Section 2; part E1/2, part NE1/4NW1/4 Section 3; NE1/4, NW1/4 except SW1/4NW1/4, SE1/4 except SW1/4SE1/4 Section 11; all Section 12; SW1/4 except NW1/4SW1/4, SW1/4SE1/4 Section 14; E1/2SE1/4 Section 15; NE1/4, NE1/4SE1/4 Section 20; all Section 21; all except SE1/4 Section 22; all except part SE1/4 Section

23; NW1/4 except SE1/4NW1/4, NW1/4SW1/4 Section 26; all Section 27. Township 14 North, Range 2 East: all Section 11; all Section 12; all Section 13; all Section 24. Township 14 North Range 3 East: all Section 1; all Section 2; all except NW1/4 Section 3; S1/2 Section 4; all Section 5; all Section 6; all Section 7; all Section 8; all Section 9; all Section 10; all Section 11; all Section 12; all Section 13; all Section 14; all Section 15; all Section 16; all Section 17; all Section 18; all Section 19; all Section 20; all Section 21; all Section 22; all Section 23; all Section 25; all Section 27; N1/2 Section 29; all Section 33. Township 15 North, Range 3 East: part SW1/4 lying west of Deschutes River Section 25; S1/2 Section 26; all Section 35; part W1/2 lying west of Deschutes River Section 36.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from immediately, Friday, October 30, 1987, to midnight, Sunday, November 15, 1987.

**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 332-26-051a NORTHWEST REGION CLOSURES. Whatcom, Skagit, and Snohomish Counties.

Whatcom County: Township 41 North, Range 6 East: SE1/4, W1/2SW1/4 Section 33; S1/2 Section 34. Township 39 North, Range 7 East: SW1/4 Section 7. Township 39 North, Range 6 East: W1/2NW1/4 Section 12; NE1/4NE1/4 Section 13. Township 38 North, Range 6 East: SE1/4SW1/4 Section 34. Township 37 North, Range 6 East: E1/2NE1/4, SW1/4, Section 3; SE1/4NW1/4, N1/2SW1/4, N1/2S1/2SW1/4, SW1/4NW1/4SE1/4 Section 15; SW1/4NW1/4, S1/2 Section 21; W1/2 except NE1/4NW1/4 Section 27; SW1/4SW1/4, E1/2 Section 28; E1/2NW1/4, E1/2 Section 29; N1/2NE1/4, SE1/4NE1/4 Section 32; all Section 33; all Section 34; SW1/4 Section 35. Township 37 North, Range 5 East: W1/2SW1/4 Section 7.

Township 37 North, Range 4 East: SE1/4 Section 12; NE1/4 Section 13; S1/2 Section 36. Township 37 North, Range 3 East: SE1/4 Section 2; NE1/4 Section 3; all Section 27; all Section 28; all Section 29.

Skagit County: Township 36 North, Range 8 East: SE1/4NW1/4, E1/2E1/2, S1/2SW1/4, NE1/4SW1/4, W1/2SE1/4 Section 17; all Section 19; all Section 20. Township 36 North, Range 7 East: All of E1/2, W1/2SE1/4 Section 2; all except W1/2W1/2 Section 6; NE1/4 Section 7; SW1/4 Section 8; SE1/4SE1/4 Section 10; W1/2 Section 11; NW1/4 Section 14; NE1/4NE1/4 Section 15; N1/2NW1/4, W1/2NNE1/4, SE1/4NE1/4 Section 17. Township 36 North, Range 6 East: all Section 3; E1/2SW1/4, SE1/4 Section 4; E1/2NW1/4, NE1/4 Section 9; N1/2 Section 10; SE1/4 Section 24; N1/2NE1/4 Section 25. Township 36 North, Range 4 East: NE1/4 Section 1; SW1/4NE1/4, W1/2 Section 2; SE1/4, NE1/4 Section 3; SE1/4NE1/4, N1/2SE1/4, W1/2NE1/4 Section 15. Township 35 North, Range 8 East: SE1/4NW1/4, S1/2 Section 26; S1/2NW1/4, S1/2 Section 27; all except SW1/4NW1/4 Section 28; all Section 33; all Section 34; all Section 35. Township 35 North, Range 6 East: S1/2NE1/4, SE1/4 Section 12. Township 34 North, Range 10 East: W1/2SW1/4, SW1/4NW1/4 Section 30; W1/2NW1/4 Section 31. Township 34 North, Range 9 East: E1/2E1/2, SW1/4SE1/4 Section 25; S1/2 Section 26; NE1/4, SW1/4 Section 36. Township 34 North, Range 6 East: all Section 4; all Section 5; all Section 7; all Section 8; all Section 9; all Section 10; SW1/4 Section 17; S1/2SE1/4NE1/4, E1/2NW1/4, NE1/4SE1/4 Section 18; NE1/4NE1/4 Section 19; all Section 29; NW1/4, E1/2SW1/4, W1/2SE1/4 Section 30. Township 34 North, Range 5 East: E1/2 Section 7; W 3/4 Section 8. Township 33 North, Range 10 East: SW1/4NW1/4 Section 13; NE1/4 Section 14; E1/2W1/2, NW1/4NW1/4 Section 24. Township 33 North, Range 7 East: N1/2 Section 13; N1/2 Section 14; N1/2 Section 21; W1/2NW1/4 Section 22.

Snohomish County: Township 30 North, Range 7 East: NE1/4 Section 4; SW1/4 Section 27. Township 30 North, Range 6 East: S1/2S1/2, E1/2E1/2 Section 23; N1/2N1/2 Section 26. Township 29 North, Range 6 East: SW1/4SW1/4 Section 2; SE1/4 Section 3; NW1/4NE1/4 Section 10; N1/2N1/2SW1/4 Section 13; NE1/4SE1/4 Section 14. Township 28 North, Range 8 East: S1/2S1/2 Section 15; S1/2SE1/4SE1/4 east of the Sultan Basin Road Section 16. Township 27 North, Range 8 East: N1/2 north of Kellogg Lake Road Section 22; N1/2N1/2SW1/4 north of Kellogg Lake Road Section 23. Township 27 North, Range 7 East: S1/2 Section 9; SW1/4 Section 15; all Section 16.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public

access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective immediately, Friday, October 30, 1987, to midnight, Sunday, November 15, 1987.

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 332-26-061a SOUTH PUGET REGION CLOSURES. King County.

King County: Township 26 North, Range 9 East: W1/2NE1/4, N1/2S1/2 Section 6; all Section 14. Township 26 North, Range 7 East: NE1/4, portions of W1/2SW1/4 Section 13. Township 25 North, Range 7 East: E1/2SE1/4 Section 11; SW1/4 Section 12; NW1/4 Section 13; E1/2E1/2, W1/2NW1/4 Section 14; NE1/4, N1/2SE1/4, NE1/4SW1/4 Section 15; all Section 19; SE1/4, SE1/4NW1/4 Section 34. Township 24 North, Range 9 East: all Section 19. Township 24 North, Range 8 East: W1/2SE1/4 Section 24. Township 24 North, Range 7 East: N1/2 Section 3. Township 23 North, Range 9 East: SE1/4SW1/4 Section 6; N1/2, NE1/4SW1/4 Section 7. Township 23 North, Range 8 East: N1/2 Section 1; clearcut and partial cut portions of E1/2 Section 21; W1/2 Section 22; N1/2 Section 27; NE1/4 Section 28. Township 23 North, Range 7 East: SW1/4 Section 14; N1/2 Section 22. Township 22 North, Range 10 East: all Section 19; SE1/4, E1/2SW1/4 Section 21. Township 22 North, Range 9 East: S1/2SE1/4 Section 3; all Section 4; NE1/4 Section 10; N1/2NE1/4, NE1/4NW1/4 Section 13. Township 21 North, Range 7 East: all lands lying east of the Burlington Northern Railroad tracks within the following: E1/4SE1/4, NW1/4SE1/4, SE1/4NE1/4 Section 21; all Section 22 except the W1/2NW1/4 and the north 160 feet of the NW1/4SW1/4; all Section 27 north of Coal Creek and west of the Weyerhaeuser Mainline road. Township 20 North, Range 11 East: all Section 29; all Section 30. Township 20 North, Range 10 East: all Section 31; all Section 33. Township 20 North, Range 9 East: all Section 35. Township 20 North, Range 8 East: all Section 11; part NE1/4, part NW1/4, all SW1/4, part SE1/4 Section 12; all Section 13; all Section 14; NE1/4 Section 22; all Section 23; all Section 24. Township 19 North, Range 11 East: all Section 5; all Section 7; all Section 9; all Section 17; all Section 19; all Section 21. Township 19 North, Range 10 East: all Section 1; all Section 3; all Section 5; all Section 7; all Section 9; all Section 11; all Section 13; all Section 15; all Section 17;

N1/2 Section 19; N1/4 Section 21; N1/2 Section 23. Township 19 North, Range 9 East: all Section 1; all Section 12; part Section 13.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from immediately, Friday, October 30, 1987, to midnight, Sunday, November 15, 1987.

### REPEALER

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

- 1) WAC 332-26-103 Outdoor Burning Restrictions.
- 2) WAC 332-26-104 Burning Barrel Restrictions.
- 3) WAC 332-26-105 Closed Season.
- 4) WAC 332-26-011 Southwest Region Closures.
- 5) WAC 332-26-021 Olympic Region Closures.
- 6) WAC 332-26-041 Central Region Closures.
- 7) WAC 332-26-051 Northwest Region Closures.
- 8) WAC 332-26-061 South Puget Region Closures.

### WSR 87-22-037

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 87-179—Filed October 30, 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 openings in Areas 7B, 8A, 8D, 12 and

12B provide opportunity to harvest non-Indian chum allocations. All other Puget Sound catch and reporting areas remain closed to prevent overharvest.

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

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

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

APPROVED AND ADOPTED October 30, 1987.

By Joseph R. Blum  
Director

### NEW SECTION

**WAC 220-47-821 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC, effective October 30 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

\*Area 7B - Closed except gill nets using 5-inch minimum mesh and purse seines may fish continuously until 8:00 AM Saturday October 31. Reopens to gillnets using 6-inch minimum mesh from 4:00 PM to 8:00 AM nightly Sunday November 1 and Monday November 2 and purse seines from 5:00 AM to 8:00 PM daily Monday November 2 and Tuesday November 3. Fisheries exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

\*Area 8A (excluding those waters north of a line projected from Camano Head to the northern boundary of Area 8D) and Area 8D - Closed except gill nets using 6-inch minimum mesh may fish from 4:00 PM Sunday November 1 to 8:00 AM Monday November 2 and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM Monday November 2. Those waters north of a line projected from Camano Head to the northern boundary of Area 8D remain closed to all commercial fishing. Fishery exclusion zones applicable to Area 8A commercial fisheries are described in WAC 220-47-307.

\*Area 12 (excluding those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek) and Area 12B (excluding those waters south of a line projected from Hood Point to Quatsap Point) - Closed except gillnets using 6-inch

minimum mesh may fish from 4:00 PM Sunday November 1 to 8:00 AM Monday November 2 and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM Monday November 2. Those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek and those waters south of a line projected from Hood Point to Quatsap Point are closed to all commercial fishing until further notice. Fishery exclusion zones applicable to Area 12B commercial fisheries are described in WAC 220-47-307.

Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

### REPEALER

The following section of the Washington Administrative Code is repealed effective October 30, 1987.

**WAC 220-47-820 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS** Order No. 87-177

### **WSR 87-22-038**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 87-180—Filed October 30, 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 conservation closures rescinded as per state/tribal agreement on October 30, 1987.

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 October 30, 1987.

By Joseph R. Blum  
Director

NEW SECTION

**WAC 220-28-703 PUGET SOUND TREATY INDIAN COMMERCIAL SALMON FISHERY RESTRICTIONS** Effective immediately it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Area in accordance with the following restrictions:

\*Areas 4B, 5, and 6C - Closed to all net fishing until 11:59 AM November 1.

REPEALER

The following section of the Washington Administrative Code is repealed immediately.

**WAC 220-28-702 Puget Sound Commercial Salmon Fishing Restrictions Order No. 87-175**

**WSR 87-22-039**  
EMERGENCY RULES  
**DEPARTMENT OF FISHERIES**  
[Order 87-181—Filed October 30, 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 conservation closures rescinded as per state/tribal agreement on October 30, 1987.

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 October 30, 1987.

By Joseph R. Blum  
Director

NEW SECTION

**WAC 220-28-01000D PUGET SOUND TREATY INDIAN COMMERCIAL SALMON FISHERY.** Effective immediately it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial, ceremonial, or subsistence purposes taken from the

following Puget Sound Salmon Management and Catch Reporting Area in accordance with the following restrictions:

\*Areas 4B, 5 and 6C - Closed to all troll fishing until 12:01 AM November 1.

REPEALER

The following sections of the Washington Administrative Code are repealed immediately.

**WAC 220-28-01000B PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY ORDER NO. 87-143**

**WAC 220-28-01000C PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY ORDER NO. 87-173**

**WSR 87-22-040**  
EMERGENCY RULES  
**DEPARTMENT OF FISHERIES**  
[Order 87-182—Filed October 30, 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 the hatchery and wild escapement goals have not been met.

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 October 30, 1987.

By Joseph R. Blum  
Director

NEW SECTION

**WAC 220-40-02100E WILLAPA HARBOR GILLNET SEASON.** Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from any Willapa Harbor Salmon Management and Catch Reporting Area.

**WSR 87-22-041**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 87-183—Filed October 30, 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 escapement goals have not been met due to low water conditions.

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 October 30, 1987.

By Joseph R. Blum  
 Director

**NEW SECTION**

WAC 220-57-13000M **BOGACHIEL RIVER.** Notwithstanding the provisions of WAC 220-57-130, effective October 31, 1987 until further notice, the waters of the Bogachiel River are closed to salmon angling.

**NEW SECTION**

WAC 220-57-13500K **CALAWAH RIVER.** Notwithstanding the provisions of WAC 220-57-135, effective October 31, 1987 until further notice, the waters of the Calawah River are closed to salmon angling.

**NEW SECTION**

WAC 220-57-20000D **DICKEY RIVER.** Notwithstanding the provisions of WAC 220-57-200, effective October 31, 1987 until further notice, the waters of the Dickey River are closed to salmon angling.

**NEW SECTION**

WAC 220-57-38500P **QUILLAYUTE RIVER.** Notwithstanding the provisions of WAC 220-57-385, effective October 31, 1987 until further notice, the waters of the Quillayute River are closed to salmon angling.

**NEW SECTION**

WAC 220-57-46000U **SOLEDUCK RIVER.** Notwithstanding the provisions of WAC 220-57-460, effective October 31, 1987 until further notice, the waters of the Soleduck River are closed to salmon angling.

**REPEALER**

Effective October 31, 1987, the following sections of the Washington Administrative Code are repealed:

WAC 220-57-13000L **BOGACHIEL RIVER.**  
 (87-105)

WAC 220-57-13500J **CALAWAH RIVER.** (87-105)

WAC 220-57-20000C **DICKEY RIVER.** (87-105)

WAC 220-57-38500N **QUILLAYUTE RIVER.**  
 (87-105)

WAC 220-57-46000T **SOLEDUCK RIVER.** (87-105)

**WSR 87-22-042**  
**EMERGENCY RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
 [Order 533—Filed November 2, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the lifting of burning restrictions in Western Washington and portions of Eastern Washington.

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 weather conditions have moderated enough to lift burning restrictions and the restrictions on burning barrels in Western Washington and Okanogan, Ferry, Stevens, Pend Oreille, Spokane and Lincoln counties, on lands protected by the Department of Natural Resources.

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

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.315 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED November 2, 1987.

By Brian J. Boyle  
 Commissioner of Public Lands

**NEW SECTION**

WAC 332-26-103b **OUTDOOR BURNING RESTRICTIONS.** Effective immediately, Monday, November 2, 1987, through midnight, Sunday,



November 15, 1987, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-211, on lands protected by the department in Chelan, Kittitas, Yakima, Klickitat, Garfield, Asotin, Columbia and Walla Walla counties are suspended.

**NEW SECTION**

**WAC 332-26-104b BURNING BARREL RESTRICTIONS.** Effective immediately, Monday, November 2, 1987, through midnight, Sunday, November 15, 1987, privileges to burn in a burning barrel, as allowed by WAC 332-24-201 and described in WAC 332-24-225, on lands protected by the department in Chelan, Kittitas, Yakima, Klickitat, Garfield, Asotin, Columbia and Walla Walla counties are suspended.

**REPEALER**

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

- 1) WAC 332-26-103a Outdoor Burning Restrictions.
- 2) WAC 332-26-104a Burning Barrel Restrictions.
- 3) WAC 332-26-500a Forest Closure.

**WSR 87-22-043**

**NOTICE OF PUBLIC MEETINGS**

**WALLA WALLA COMMUNITY COLLEGE**

[Memorandum—October 30, 1987]

The notice of regular meetings of the board of trustees of Washington Community College District 20 was adopted September 30, 1987, at the regular monthly meeting of the board.

Notice is hereby given, pursuant to RCW 42.30.075, that the regular meetings of the board of trustees of Washington Community College District No. 20 during calendar year 1988 shall be held at 1:30 p.m. in the College Board Room at 500 Tausick Way, Walla Walla, Washington, on the dates listed below.

An exception to this location is the meeting on May 4, 1988, which will be held at the Clarkston Center in Clarkston, Washington.

- Wednesday January 6, 1988
- Wednesday February 3, 1988
- Wednesday March 2, 1988
- Wednesday April 6, 1988
- Wednesday May 4, 1988
- Tuesday May 31, 1988
- Wednesday June 29, 1988
- Wednesday August 3, 1988 (optional)
- Wednesday September 7, 1988
- Wednesday October 5, 1988
- Wednesday November 2, 1988
- Wednesday December 7, 1988

**WSR 87-22-044**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Filed November 2, 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:

- New WAC 356-46-125 Drug testing—Limitations—Uses.
- New WAC 356-05-128 Drug test;

that the agency will at 10:00 a.m., Thursday, December 10, 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 December 8, 1987.

Dated: November 2, 1987

By: Leonard Nord  
Secretary

**STATEMENT OF PURPOSE**

New WAC 356-46-125 Drug testing—Limitations—Uses.

Purpose: N/A (new rule).

Statutory Authority: RCW 41.06.150.

Summary: Places limitations on drug testing by state agencies of employees or prospective employees within the scope of chapter 41.06 RCW.

Reasons: There are currently no rules on the use or limitation of drug testing by state agencies under the jurisdiction of the State Personnel Board.

New WAC 356-05-128 Drug test.

Purpose: N/A (new rule).

Statutory Authority: RCW 41.06.150.

Summary: To define drug test.

Reasons: This definition is being proposed along with a new rule regulating the use of drug testing by state agencies.

Responsibility for Drafting: Christina Valadez, Department of Personnel, 600 South Franklin, Mailstop EY-11, Olympia, WA, phone 586-1769; Implementation and Enforcement: Department of Personnel.

Agency of [or] Organization Submitting Proposal: Department of Personnel.

Comments: None.

Result of Federal Law or Federal or State Court Action: No.

**NEW SECTION**

WAC 356-05-128 DRUG TEST. Any blood, urine or other test designed to identify the presence in the body of controlled substances referenced under Chapter 69.50 RCW.

NEW SECTION

Dated: November 2, 1987

By: Leonard Nord  
Secretary

**WAC 356-46-125 DRUG TESTING—LIMITATIONS—USES**  
(1) Except as provided in subsection (2) below, no agency may perform or cause to be performed a drug test of any employee or prospective employee.

(2) An agency may require a specific employee to submit to urine testing designed to identify the presence in the body of controlled substances referenced under Chapter 69.50 RCW if:

(a) The agency has reasonable grounds stated in writing to believe the employee's work performance is impaired due to the presence of such substances in the body; and

(b) the employee is in a position where such impairment presents a danger to the physical safety of the employee or another; and

(c) the agency has a specific written policy authorizing such tests, establishing procedures under which they may be conducted, and protecting the confidentiality of the results, provided the results may be disclosed in an action or proceeding challenging any disciplinary action based on the results.

(3) An employee who is found to be impaired on the job due to the use of controlled substances may be subject to disciplinary action in accordance with existing laws and regulations, but this finding shall provide no additional or independent basis for disciplinary action.

(4) In the event an employee is found to have used controlled substances, the agency shall inform the employee of available assistance through the employee advisory service or other similar program.

(5) Nothing herein shall prevent an agency from conducting medical screening to monitor exposure to toxic or other unhealthy substances in the work place, provided such screenings are limited to the specific substances reasonably believed to be present, are expressly identified in an employee consent form, and are done with the written consent of the affected employees.

(6) Except as expressly set forth above, nothing herein shall add to or detract from any agency authority under Chapter 41.06 RCW or regulations of the state personnel board to establish job performance standards or conditions of employment, or to base continued employment on satisfactory job performance.

**WSR 87-22-045**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Filed November 2, 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:

Amd WAC 356-34-020 Reduction in salary—Demotion—Procedure.  
Amd WAC 356-34-030 Suspension—Duration—Procedure.  
Amd WAC 356-34-040 Dismissal—Procedure.  
Amd WAC 356-34-050 Suspension—Followed by dismissal—Procedure.  
New WAC 356-34-045 Notice to employee;

that the agency will at 10:00 a.m., Thursday, December 10, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

**STATEMENT OF PURPOSE**

**WAC 356-34-020 Reduction in salary—Demotion—Procedure.**

**Purpose:** States the conditions which must be met when reducing the salary or demoting an employee in lieu of dismissal.

**Statutory Authority:** RCW 41.06.150.

**Specific Statute:** RCW 41.06.170.

**Summary:** Removes the statement requiring agencies to file a copy of the written charges with the Personnel Appeals Board.

**Reasons:** RCW 41.06.170 and chapter 41.64 RCW do not require the filing of a copy of the charges against an employee with the Personnel Appeals Board. The Personnel Appeals Board has recommended removing the requirement from the merit system rules.

**WAC 356-34-030 Suspension—Duration—Procedure.**

**Purpose:** Specifies the maximum length of time allowable for a single suspension and for accumulated suspensions per year. Also specifies the conditions under which an employee is notified of the charges and duration of suspension.

**Statutory Authority:** RCW 41.06.150.

**Specific Statute:** RCW 41.06.170.

**Summary:** Removes statement requiring agencies to file a copy of the employee's notification of charges and duration of suspension with the Personnel Appeals Board. Inserts statement that a copy of the employee's notification of charges be submitted to the director. Additional language changes provide clarity.

**Reasons:** RCW 41.06.170 and chapter 41.64 RCW do not require agencies to file a copy of charges with the Personnel Appeals Board. That board has recommended the removal of the requirement from the merit system rules. RCW 41.06.170 requires the appointing authority to file a copy of the notice of charges to the director of personnel.

**WAC 356-34-040 Dismissal—Procedure.**

**Purpose:** Allows for dismissal and specifies conditions under which notification occurs.

**Statutory Authority:** RCW 41.06.150(1).

**Summary:** Removes section which speaks to conditions under which an employee is notified.

**Reasons:** The creation of a new rule which speaks to the issue of notification for WAC 356-34-020, 356-34-030, 356-34-040 and 356-34-050.

**WAC 356-34-045 Notice to employee.**

**Statutory Authority:** RCW 41.06.150(1).

**Summary:** Will provide direction for the notification of employees required in WAC 356-34-020, 356-34-030, 356-34-040 and 356-34-050. It states that the employee shall be furnished directly during working hours unless located 30 or more miles from the notifying authority. Also identifies the first day of notice when notification is given directly to the employee or mailed.

Reasons: To provide greater clarity and understanding of the notification requirements.

WAC 356-34-050 Suspension—Followed by dismissal—Procedure.

Purpose: Allows for suspension before dismissal when the appointing authority determines immediate separation is required for the good of the service. Also provides for notification of affected employees.

Statutory Authority: RCW 41.06.150(1).

Summary: This revision includes rule reference and minor language changes.

Reasons: To provide greater clarity and understanding.

Responsibility for Drafting: Christina Valadez and John Boesenberg, Department of Personnel, 5th and Pear, Mailstop EY-11, Olympia, WA 98504, phone 586-1769; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel.

Comments: None.

Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 186, filed 6/17/83)

WAC 356-34-020 REDUCTION IN SALARY—DEMOTION—PROCEDURE. Appointing authorities may reduce the salary of a permanent employee within the range or may demote an employee to a position at a lesser pay range, in lieu of dismissal for cause, as specified in these rules. The specified charges for either of these actions shall be furnished in writing to the employee (~~and a copy filed with the personnel appeals board~~) at least ~~((+5))~~ fifteen calendar days prior to the effective date of the action. The employee must meet the minimum qualifications for the class to which being demoted.

AMENDATORY SECTION (Amending Order 186, filed 6/17/83)

WAC 356-34-030 SUSPENSION—DURATION—PROCEDURE. Appointing authorities may suspend a permanent employee without pay for cause as specified in these rules ~~((for a period))~~. The period of suspension shall not ~~((exceeding +5))~~ exceed fifteen calendar days ~~((as))~~ for a single penalty; or for a total of ~~((30))~~ thirty calendar days in any calendar year ~~((as))~~ for an accumulation of several penalties as per RCW 41.06.170. The specified charges and duration of the action shall be furnished in writing to the employee ~~((with a copy submitted to the personnel appeals board))~~ not later than one calendar day after the suspension becomes effective. A copy shall be submitted to the director. Notice to the employee shall be made in the manner described in ~~((these rules))~~ WAC 356-34-045. No qualifying time or seniority shall be denied for any period of suspension.

AMENDATORY SECTION (Amending Order 186, filed 6/17/83)

WAC 356-34-040 DISMISSAL—PROCEDURE. ~~((+))~~ Appointing authorities may dismiss a permanent employee for cause as specified in these rules. The employee shall be furnished with the specified charges in writing at least ~~((+5))~~ fifteen calendar days prior to the effective date of the action.

~~((2))~~ The notification shall be furnished directly to the employee during working hours or if this is not possible because the employee works in a branch office or remote location or is absent on a regularly scheduled working day, mailed by certified letter to the employee's last known address. A copy of the specified charges shall be submitted to the personnel appeals board at the same time.)

NEW SECTION

WAC 356-34-045 NOTICE TO EMPLOYEE. The written notice to the employee required in WAC 356-34-020, 356-34-030, 356-34-040, and 346-34-050 shall be furnished directly to the employee during working hours. If the employee is located thirty miles or more

from the notifying authority or is absent on a regularly scheduled work day, a certified letter may be mailed 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 a certified letter is mailed, the notice shall be considered received the same day as it is postmarked.

AMENDATORY SECTION (Amending Order 87, filed 5/4/76, effective 6/5/76)

WAC 356-34-050 SUSPENSION—FOLLOWED BY DISMISSAL—PROCEDURE. (1) A permanent employee who is to be dismissed for cause may be suspended without pay for the period between the notice of suspension and the effective date of the dismissal, if the appointing authority believes the good of the service requires the immediate separation of the employee.

(2) The appointing authority, when applying an immediate suspension followed by dismissal, shall notify the employee in writing, as provided in WAC 356-34-030 and 356-34-040, of such combined actions. The notification shall state the justification for immediate removal from staff in addition to the specified causes for dismissal.

**WSR 87-22-046**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Filed November 2, 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:

Amd WAC 356-30-260 Probationary period—Provisions—Status of employee.

Amd WAC 356-30-305 Trial service period—Provision;

that the agency will at 10:00 a.m., Thursday, December 10, 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 December 8, 1987.

Dated: November 2, 1987

By: Leonard Nord

Secretary

#### STATEMENT OF PURPOSE

WAC 356-30-260 Probationary period—Provisions—Status of employee.

Purpose: Outlines the purpose and conditions of the probationary period.

Statutory Authority: RCW 41.06.150(6).

Summary: Will state that time spent away from work during the probationary period does not constitute part of the probationary period unless it is a holiday, or approved vacation, sick, miscellaneous, or military training leave.

Reasons: This interpretation has been given for a long time, but the rule is not explicit. Many questions come in regarding this interpretation. We now need to define

what type of paid leave is considered part of the probationary period.

WAC 356-30-305 Trial service period—Provision.

Purpose: Outlines the purpose and conditions of the trial service period.

Statutory Authority: RCW 41.06.150(4).

Summary: States time spent away from work during working hours does not constitute part of the trial service period, unless it is a holiday, or approved vacation, sick, miscellaneous or military training leave.

Reasons: Many questions come in concerning this issue as the rule is not explicit. The interpretation has been that paid leave is not explicit. The interpretation has been that paid leave is considered part of trial service but leave without pay is not. We now need to define what type of paid leave does not affect trial service time.

Responsibility for Drafting: Christina Valadez, Department of Personnel, 600 South Franklin, Mailstop EY-11, Olympia, WA, phone 586-1769; Implementation and Enforcement: Individual agencies.

Agency or Organization Submitting Proposal: Department of Social and Health Services, Department of Veterans Affairs, Department of Personnel.

Comments: None.

Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-30-260 PROBATIONARY PERIOD—PROVISIONS—STATUS OF EMPLOYEE. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Work days missed during the probationary period for reasons other than approved vacation leave, sick leave, military training leave, miscellaneous leave or holidays will not be counted as part of the required probationary period.

(5) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

~~((5))~~ (6) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending Order 204, filed 5/23/84, effective 9/1/84)

WAC 356-30-305 TRIAL SERVICE PERIOD—PROVISION. (1) Employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the inter-system employment register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) Work days missed during the trial service period for reasons other than approved vacation leave, sick leave, military training leave, miscellaneous leave or holidays will not be counted as part of the required trial service period.

(3) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

**WSR 87-22-047**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Filed November 2, 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 disciplinary action, new WAC 356-05-123;

that the agency will at 10:00 a.m., Thursday, December 10, 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 December 8, 1987.

Dated: October 26, 1987

By: Leonard Nord  
Secretary

**STATEMENT OF PURPOSE**

New WAC 356-05-123 Disciplinary action.

Purpose: New definition will describe disciplinary action for the purpose of only those actions stated in MSR 356-34-010 to be considered as disciplinary action.

Statutory Authority: RCW 41.06.150(1).

Summary and Reasons: Will define disciplinary action as it is not currently defined. This will clarify disciplinary actions and actions other than what is stated in

[MSR] 356-34-010 will not be considered as disciplinary action by the Personnel Appeals Board.

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

Agency or Organization Submitting Proposal: Department of Social and Health Services, governmental agency.

This rule proposal is not a result of federal law or federal or state court action.

#### NEW SECTION

WAC 356-05-123 DISCIPLINARY ACTION. A demotion, suspension, reduction in salary, or dismissal of a permanent employee for cause as specified in WAC 356-34-010.

### WSR 87-22-048

#### COLUMBIA RIVER GORGE COMMISSION

[Filed November 2, 1987]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

#### BEFORE THE COLUMBIA RIVER GORGE COMMISSION

In the Matter of Adoption of Administrative Rules Relating to Review by the Commission of Major Development Actions and Residential Development

STATUTORY AUTHORITY,  
STATEMENT OF NEED,  
PRINCIPAL DOCUMENTS  
RELIED UPON AND FISCAL  
IMPACT STATEMENT

#### SUMMARY OF RULES

The Columbia River Gorge Commission proposes to adopt rules following a public hearing at its regularly scheduled meeting on Dec. 1, 1987 at the Corbett Christian Center, 34395 NE Mershon Road, Corbett, Ore., at 9:30 a.m. to govern its development review process. The rules establish the process the Commission will follow to review all "major development actions" and "residential development" as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663. The Commission must review these actions during the "interim" while it adopts the Gorge management plan and while counties bring their ordinances into compliance with the plan.

Under the rule, applicants will submit an application to the Commission. The Commission staff will review the application and decide whether it is consistent or inconsistent with the Commission's Interim Guidelines. A decision by the staff may be appealed to the Commission, which will hear appeals as contested cases.

#### STATEMENT OF NEED

These rules are needed to carry out the Commission's responsibilities under the Scenic Area Act and the Bi-State Compact to review major development actions and residential development for consistency with standards in the Act.

#### STATUTORY AUTHORITY

These rules are based upon direction in Section 10(c) of the Scenic Area Act:

Prior to the effective date of a land use ordinance for each county pursuant to section 7 of this Act, and concurrence of the Secretary on a land use ordinance for each county pursuant to section 8 of this Act, the Commission shall review all proposals for major development actions and new residential development in such county in the scenic area, except urban areas. The Commission shall allow major development actions and new residential development only if it determines that such development is consistent with the standards contained in section 6 and the purposes of this Act.

Section a(4) of Article I of the Columbia River Gorge Compact, 1987 Washington Laws, Chapter 499, and 1987 Oregon Laws, Chapter 14, authorizes the Commission to implement the Scenic Area Act charge. The rule is consistent with these authorities.

#### DOCUMENTS RELIED UPON

These rules are based upon development review procedures contained in county ordinances and review provisions for similar agencies in Oregon and Washington. These ordinances and regulations may be inspected in county courthouses and law libraries.

#### FISCAL IMPACT STATEMENT

These rules will have some minor fiscal impact on county planning departments which will be called upon to direct applicants for major development actions and residential development to the Commission for review. County offices will receive copies of Commission application forms for distribution to applicants.

The rules will also have minor impact on state agencies. In some cases, agencies with permitting authority will also be called upon to direct applicants to the Commission for review.

The rules will impose an impact upon members of the public who become applicants for Commission review. The rules impose a \$10 fee to cover the Commission's notification costs.

The rules may result in some delay costs, although a Commission review will take place at the same time as relevant county reviews. Also, the rules impose a 30-day decision deadline upon Commission staff to minimize delay.

The rules impose a \$60 annual fee for those persons who wish to receive notice of all Commission development review decisions. This fee covers the expense of providing the notice. Finally, the rules impose a \$100 fee for appeal of a staff decision to the Commission. This fee covers a portion of the cost of an appeal.

Dated October 30, 1987

On behalf of the Columbia River Gorge Commission:

Richard P. Benner  
Executive Director

**WSR 87-22-049**

**COLUMBIA RIVER GORGE COMMISSION**

[Filed November 2, 1987]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

BEFORE THE  
COLUMBIA RIVER GORGE COMMISSION

In the Matter of Permanent Adoption of Administrative Rules Relating to Open Meetings, Public Records, Financial Disclosure, Conflict of Interest, Public Contracts, Personal Service Contracts and Administrative Procedures

STATUTORY AUTHORITY, STATEMENT OF NEED, PRINCIPAL DOCUMENTS RELIED UPON AND FISCAL IMPACT STATEMENT

SUMMARY OF RULES

The Columbia River Gorge Commission proposes to adopt rules following a public hearing at its regularly scheduled meeting on Dec. 1, 1987 at the Corbett Christian Center, 34390 NE Mershon Rd., Corbett, Ore., at 9:30 a.m. on open meetings, public records, financial disclosure, conflict of interest, public contracts, personal service contracts and administrative procedures. These rules describe the Commission's operating procedures, as required by the Columbia River Gorge National Scenic Area Act, P.L. 99-663.

STATEMENT OF NEED

The Commission needs rules to govern its operations. Because it is neither an Oregon nor a Washington state agency, it cannot simply rely upon the statutes of either state to govern its operations. The Commission needs its own set of operating rules. Section 5(b) of the Scenic Area Act requires the Commission to:

Adopt regulations relating to the administrative procedures, the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the commission, advisory committees, and disclosure of information consistent with the more restrictive statutory provisions of either state.

These rules are necessary to comply with the Act.

STATUTORY AUTHORITY

Section 5(b) of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, requires the Commission to adopt operating regulations. Section G of Article 1 of the Columbia River Gorge Compact, 1987 Washington Laws, Chapter 499 and 1987 Oregon Laws, Chapter 14, directs the Commission to adopt rules and regulations

for the conduct of its business. Adoption of these rules is consistent with these authorities.

DOCUMENTS RELIED UPON

These rules are based upon Oregon and Washington statutes regulating the subjects listed in the caption of this Notice. These statutes are available for public inspection in county courthouses and many public libraries.

FISCAL IMPACT STATEMENT

These rules will have little or no fiscal impact on units of local government, state agencies or the public. The rules will affect the operations of the Gorge Commission and should benefit the public and other units of government by assuring regular, open and predictable procedures by the Commission.

Dated October 30, 1987

On behalf of the Columbia River Gorge Commission:

Richard P. Benner  
Executive Director

**WSR 87-22-050**

**COLUMBIA RIVER GORGE COMMISSION**

[Filed November 2, 1987]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

BEFORE THE  
COLUMBIA RIVER GORGE COMMISSION

In the Matter of Adoption of Permanent Administrative Rules Relating to Guidelines for Development Review

STATUTORY AUTHORITY, STATEMENT OF NEED, PRINCIPAL DOCUMENTS RELIED UPON AND FISCAL IMPACT STATEMENT

SUMMARY OF RULES

The Columbia River Gorge Commission proposes to adopt rules establishing criteria for major development actions and residential development at its regularly scheduled meeting on Dec. 1, 1987 at Corbett Christian Center, 34390 NE Mershon Road, Corbett, Ore., at 9:30 a.m. These rules contain criteria for commercial, industrial, residential and recreational uses. They also contain criteria applicable to all development to protect scenic, cultural, natural and recreational resources.

STATEMENT OF NEED

The Commission needs rules that set criteria for its review of major development actions and residential development. The standards in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, are general in nature and not adequate to guide decisions in particular cases. The rules the Commission proposes to adopt will provide all participants in Commission activities with greater understanding of the basis for Commission decisions.

## STATUTORY AUTHORITY

Section 10(c) of the Scenic Area Act charges the Commission to review all major development actions and residential development for consistency with the act during the "interim" between the effective date of the act and approval by the Commission of a county's implementing ordinances. Section a(4) of Article I of the Columbia River Gorge Compact, 1987 Washington Laws, Chapter 499, and 1987 Oregon Laws, Chapter 14, authorize the Commission to adopt rules necessary to conduct its business. These provisions give the Commission authority to adopt the proposed rules.

## DOCUMENTS RELIED UPON

These rules are based upon the standards for development review in Section 6(d) of the Scenic Area Act and the purposes of the act as set forth in Section 3. The rules are also nearly identical to the Interim Guidelines adopted by the Forest Service as directed by Section 10(a) of the Scenic Area Act. The act and Interim Guidelines are available for inspection at the Commission offices.

## FISCAL IMPACT STATEMENT

These rules should have no fiscal impact upon units of government or the public. The Commission is required by Section 10(c) of the Scenic Area Act to review major development actions and residential development. Fulfilling this requirement will have a fiscal impact, as noted in the Notice of Intent to Adopt development review rules. These rules will facilitate that review. The rules are more specific than the standards in Section 6(d) of the Scenic Area Act. Hence, they will increase understanding of the basis of Commission reviews, reduce delays and diminish the costs to all participants of development reviews.

Dated October 30, 1987

On behalf of the Columbia River Gorge Commission

Richard P. Benner  
Executive Director

## WSR 87-22-051

## EMERGENCY RULES

## DEPARTMENT OF FISHERIES

[Order 87-184—Filed November 2, 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 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 harvestable chum salmon are available.

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

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

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

APPROVED AND ADOPTED November 2, 1987.

By Bette M. Johnson  
for Joseph R. Blum  
Director

NEW SECTION

WAC 220-36-02100S GRAYS HARBOR GILL-NET SEASON. *Notwithstanding the provisions of WAC 220-36-021, 220-36-022, and 220-36-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Area except as provided for in this section:*

*Area 2B - Open 8:00 a.m. to 8:00 p.m.  
November 4, 1987.*

REPEALER

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

WAC 220-36-02100R GRAYS HARBOR GILL-NET SEASON. (87-178)

## WSR 87-22-052

## ADOPTED RULES

## DEPARTMENT OF LABOR AND INDUSTRIES

[Order 87-22—Filed November 2, 1987]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical aid rules and maximum fee schedule, WAC 296-20-1102, 296-23-500 and 296-23-50014 dealing with purchasing, reimbursement and authorization policies for medical services, equipment and appliances provided to injured workers.

This action is taken pursuant to Notice No. WSR 87-18-072 filed with the code reviser on September 2, 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 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED November 2, 1987.

By Joseph A. Dear  
Director

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

WAC 296-20-1102 SPECIAL EQUIPMENT RENTAL AND PURCHASE PROSTHETIC AND ORTHOTICS EQUIPMENT. The department or self-insurer will authorize and pay rental fee for equipment or devices if the need for the equipment will be for a short period of treatment during the acute phase of condition. Rental extending beyond sixty days requires prior authorization. If the equipment will be needed on long term basis, the department or self-insurer will consider purchase of the equipment or device. The department's or self-insurer's decision to rent or purchase an item of medical equipment will be based on a comparison of the projected rental costs of the item with its purchase price. An authorized representative of the department or self-insurer will decide whether to rent or purchase certain items, provided they are appropriate and medically necessary for treatment of the claimant's accepted industrial condition. Decisions to rent or purchase items will be based on the following information:

- (1) Purchase price of the item.
- (2) Monthly rental fee.
- (3) The prescribing doctor's estimate of how long the item will be needed.

The prescribing doctor must obtain prior authorization from the department or self-insurer, for rental or purchase of special equipment or devices.

The department or self-insurer will authorize and pay for prosthetics and orthotics as needed by claimant and substantiated by attending doctor. If such items are furnished by the attending doctor, the department or self-insurer will reimburse the doctor his cost for the item. In addition, a handling fee, not to exceed five percent of the wholesale cost of the item, will be paid. See WAC 296-20-124 for information regarding replacement of such items on closed claims.

The department or self-insurer will repair or replace originally provided damaged, broken, or worn-out prosthetics, orthotics, or special equipment devices upon documentation and substantiation from the attending doctor.

Provision of such equipment requires prior authorization.

THE GRAVITY GUIDING SYSTEM, GRAVITY LUMBAR REDUCTION DEVICE, BACKSWING AND OTHER INVERSION TRACTION EQUIPMENT MAY ONLY BE USED IN A SUPERVISED SETTING. RENTAL OR PURCHASE FOR HOME USE WILL NOT BE ALLOWED.

EQUIPMENT NOT REQUIRING PRIOR AUTHORIZATION INCLUDES CRUTCHES, CERVICAL COLLARS, LUMBAR AND RIB BELTS, AND OTHER COMMONLY USED ORTHOTICS OF MINIMAL COST.

PERSONAL APPLIANCES SUCH AS VIBRATORS, HEATING PADS, HOME FURNISHINGS, HOT TUBS, WATERBEDS, EXERCISE BIKES, EXERCISE EQUIPMENT, JACUZZIES, ETC. WILL NOT BE AUTHORIZED OR PAID.

AMENDATORY SECTION (Amending Order 83-35, filed 11/30/83, effective 1/1/84)

WAC 296-23-500 MISCELLANEOUS SERVICES AND APPLIANCES. ~~((The department or self-insurer will approve certain miscellaneous services and appliances needed as the result of an industrial accident. Nursing care, attendant care, transportation, medical equipment, prosthetics, orthotics, eye glasses, hearing aids, and walking aids are included in this classification. The qualifications and instances when this approval is appropriate are described in WAC 296-20-091 through 296-20-1103.~~

~~Bills for these miscellaneous services and appliances must be itemized per the instructions in WAC 296-20-125 to include identification of type, manufacturer, model, place of origin, place of destination, hours and mileage as applicable.~~

~~The rate of reimbursement will be the provider's usual and customary charge or the department's current established rate.)) (1) The department or self-insurer will reimburse for certain medically necessary miscellaneous services and items needed as a result of an industrial accident. Nursing care, attendant care, transportation, hearing aids, eyeglasses, orthotics and prosthetics, braces, medical supplies, oxygen systems, walking aids, and durable medical equipment are included in this classification.~~

~~(a) When a fee maximum has been established, the rate of reimbursement for miscellaneous services and items will be the supplier's usual and customary charge or the department's current fee maximum, whichever is less. In no case may a supplier or provider charge a claimant the difference between the fee maximum and their usual and customary charge.~~

~~(b) When the department or self-insurer has established a purchasing contract with a qualified supplier through an open competitive request for proposal process, the department or self-insurer will require that claimants obtain specific groups of items from the contractor. When items are obtained from a contractor, the contractor will be paid at the rates established in the contract. When a purchasing contract for a selected group of items exists, suppliers who are not named in the contract will be denied reimbursement if they provide a contracted item to a claimant. The noncontracting supplier, not the claimant, will be financially responsible for providing an item to a claimant when it should have been supplied by a contractor. This rule may be waived by an authorized representative of the department or self-insurer in special cases where a claimant's attending doctor recommends that an item be obtained from another source for medical reasons or reasons of availability. In such cases, the department may authorize reimbursement to a supplier who is not named in a contract. Items or services may be provided on an emergency basis without prior authorization, but will be reviewed for appropriateness to the accepted industrial condition and medical necessity on a retrospective basis.~~

~~(2) The department or self-insurer will inform providers and suppliers of the selected groups of items for~~



which purchasing contracts have been established, including the beginning and ending dates of the contracts.

(3) Prior authorization by an authorized representative of the department or self-insurer will be required for reimbursement of selected items and services which are provided to claimants. Payment will be denied for selected items or services supplied without prior authorization. The supplier, not the claimant, will be financially responsible for providing selected items or services to claimants without prior authorization. In cases where a claimant's doctor recommends rental or purchase of a contracted item from a supplier who lacks a contract agreement, prior authorization will be required.

The decision to grant or deny prior authorization for reimbursement of selected services or items will be based on the following criteria:

(a) The claimant is eligible for coverage.

(b) The service or item prescribed is appropriate and medically necessary for treatment of the claimant's accepted industrial condition.

(4) The decision to rent or purchase an item will be made based on a comparison of the projected rental costs of the item with its purchase price. An authorized representative of the department or self-insurer will decide whether to rent or purchase certain items provided they are appropriate and medically necessary for treatment of the claimant's accepted condition. Decisions to rent or purchase items will be based on the following information:

(a) Purchase price of the item.

(b) Monthly rental fee.

(c) The prescribing doctor's estimate of how long the item will be needed.

(5) The department will review the medical necessity, appropriateness, and quality of items and services provided to claimants.

(6) The department's STATEMENT FOR MISCELLANEOUS SERVICES form or electronic transfer format specifications must be used for billing the department for miscellaneous services, equipment, supplies, appliances, and transportation. Bills must be itemized according to instructions in WAC 296-20-125 and the department or self-insurer's billing instructions. Bills for medical appliances and equipment must include the type of item, manufacturer name, model name and number, and serial number.

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

WAC 296-23-50014 STIMULATORS. ((See WAC 296-20-1102 for qualifications. One-month trial rental is usually required to purchase stimulators. Specify type, manufacturer, and model when applicable.

M 6418 Electromagnetic field bone stimulator for fractures and fusions - Rental

M 6419 Pulsed galvanic muscle stimulator - Rental

M 6420 Transcutaneous nerve stimulator - Rental

M 6421 Transcutaneous nerve stimulator - Purchase

M 6422 Transcutaneous nerve stimulator - Supplies

M 7175 Permanent electrodes for TNS unit

M 7176 24-Inch lead wires for TNS unit

~~M 7179 Power pack with batteries for TNS unit~~

~~M 7199 Unlisted stimulator service or accessory.~~

~~TAX 00)~~

Bone stimulators.

M 6418 Electromagnetic field bone stimulator rental.

TAX 00

Muscle stimulators.

M 6419 Pulsed galvanic muscle stimulator rental.

TAX 00

Transcutaneous electrical nerve stimulators (TENS).

M 6420 TENS rental.

M 6421 TENS purchase.

M 6422 TENS supplies.

TAX 00

Unlisted stimulator service or accessories.

M 7199 Unlisted stimulator items or service.

TAX 00

For qualifications regarding prior authorization and billing of stimulators refer to WAC 296-23-500, 296-20-1102, and 296-20-125.

**WSR 87-22-053**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Filed November 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning discharge standards and effluent limitations for domestic wastewater facilities (i.e., sewage treatment plants).

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 10, 1987.

The authority under which these rules are proposed is RCW 90.48.035 and 90.48.260.

The specific statute these rules are intended to implement is RCW 90.48.010 and 90.48.260.

This notice is connected to and continues the matter in Notice No. WSR 87-13-068 filed with the code reviser's office on June 17, 1987.

Dated: November 3, 1987

By: Phil Johnson

Deputy Director, Programs

**WSR 87-22-054**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed November 3, 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, December 8, 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 December 11, 1987.

The authority under which these rules are proposed is chapter 16.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

Dated: November 3, 1987

By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Schedule of laboratory fees.

Description of Purpose: To adjust fees for viral testing for EIA on companion animals to make fees equivalent to those charged at other diagnostic laboratories.

Statutory Authority: Chapter 16.38 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, (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.

AMENDATORY SECTION (Amending Order 1954, filed 9/14/87)

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:

Table listing bacteriology fees: 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 - per animal 7.00, each additional animal 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

Table listing food animal fees: 1st animal 5.00, each additional animal in herd 2.00.

Combination tests:

Table listing combination test fees: Abortion screen, diagnostic only (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis) 15.00, each additional animal in herd 2.00.

Companion animals:

Table listing companion animal fees: Viral - 1st animal (EIA) ((+10.00)) 7.00.

Bacterial (Brucella canis, Leptospirosis)

Table listing bacterial fees: 1st animal 10.00, 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:

Table listing bacteriology fees: 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 - per animal 10.00, each additional animal in herd 3.00, Mycology 15.00, Trichomoniasis and Campylobacteriosis 7.00.

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

Table listing food animal fees: 1st animal 8.00, each additional animal in herd 2.00.

Combination tests:

Table listing combination test fees: Abortion screen, diagnostic only (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis) 30.00, 1st animal 30.00, each additional animal in herd 3.00.

Table listing companion animal fees: Viral - 1st animal (EIA) ((+15.00)) 10.00.

Bacterial (Brucella canis, Leptospirosis)

Table listing bacterial fees: 1st animal 15.00, each additional animal, same case 3.00.

WSR 87-22-055

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed November 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Insurance Commissioner intends to adopt, amend, or repeal rules concerning specific requisites to be met by insurance agents, brokers and solicitors, and by intended sponsors of insurance education courses, with respect to the requirements imposed by statute for license renewal in the state of Washington;

that the agency will at 10:30 a.m., Monday, December 14, 1987, in the Senate Hearing Room #1, John Cherberg Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 18, 1987.

The authority under which these rules are proposed is RCW 48.02.060 and 48.17.150.

The specific statute these rules are intended to implement is chapter 48.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 14, 1987. Mailing address: Insurance Building, AQ-21, Olympia, Washington 98504-0321.

Dated: November 3, 1987

By: Roger Polzin

Deputy Commissioner

### STATEMENT OF PURPOSE

Title: Chapter 284-17 WAC, proposes specific requirements to be met by agents, brokers, and solicitors, and clarifies the criteria by which approval of insurance education courses is determined, with respect to the continuing education requirements for renewal of insurance licenses in the state of Washington.

The statutory authority for the proposed rules is RCW 48.02.060 and 48.17.150.

Effective February 1, 1988, these rules will advise the public of prerequisites for license renewal under this title, and delineate specific criteria established by the commissioner for the purpose of assuring minimal qualifications of the instructors and organizations offering insurance education courses.

It is the intent of this chapter to provide useful guidelines to licensees for obtaining continuing insurance education, and to insurance related organizations for developing and offering courses designed to increase the knowledge and expertise of agents, brokers, and solicitors in Washington state.

This chapter details the following facets of continuing insurance education: Defines the persons and organizations effected, and the elements and procedures of approved education; states the parameters of the continuing education requirement; compares eligible and ineligible courses; states one exception to the advanced approval requirement; itemizes the courses conducted by, and the procedure for applying to become self-certifying organizations; delineates conditions for individual course approval; enumerates special requirements for correspondence courses; lists courses not eligible for approval; frames conditions under which approval of courses or organizations may be forfeited; limits considerations for waiver of the continuing education requirement; and narrows options and expectations when renewal is requested but the continuing education requirement was not satisfied.

Roger Polzin, Deputy Commissioner, (206) 753-2403, was directly responsible for the drafting of the proposed chapter amendments with the help of JoAnn Clarke, Insurance Education Manager, (206) 753-3492, and Delores Mitchell, Administrative Assistant, under the supervision of Merle Cheesman, Agency Manager, (206)

753-7386. The proposed amendments will be implemented and enforced by the insurance education and licensing divisions of the Insurance Commissioner's Office under the direct supervision of Roger Polzin. The address of each of the individuals named is Insurance Building, AQ-21, Olympia, Washington 98504.

This chapter amendment is proposed by Dick Marquardt, the insurance commissioner, a state public official.

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

Small Business Economic Impact Statement: The proposed rule amendments will have a minimal impact on insurance companies, training schools and independent instructors, none of which is required to develop or market insurance education courses. The insurance education requirement is authorized by statute and is designed to protect the insurance-buying public by requiring insurance sales personnel to satisfy minimum educational requirements. Accordingly, there is no basis for treating small businesses differently from large businesses. The largest businesses required to comply with the proposed rule amendments are insurance companies, which are and have been in material compliance. Insurance companies, training schools, and independent instructors desiring to provide insurance education services will be required to meet minimum standards regarding course content and conduct. The cost of becoming a licensed agent, a prerequisite to being an approved instructor, is estimated to be approximately \$54 for first-time licensing.

#### Chapter 284-17 WAC

#### LICENSING REQUIREMENTS AND PROCEDURES

##### AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-200 PURPOSE. The purpose of this regulation is to implement the provisions of RCW 48.17.150 by establishing the minimum continuing education requirements that must be met prior to the renewal of an insurance agent, solicitor or broker(s) license, and by specifying minimum criteria which must be met in order to qualify insurance courses for approval.

##### AMENDATORY SECTION (Amending Order R 82-2, filed 4/28/82)

WAC 284-17-210 DEFINITIONS. As used in this ((continuing education regulation)) chapter, unless the context requires otherwise:

(1) "Sponsoring organization" means any individual, insurance company, publisher of insurance correspondence courses, professional association, or school which is conducting an approved course.

(2) "Course" ((includes courses, programs of instructions, correspondence courses and seminars:)) means a seminar, workshop, class or lecture sponsored by an approved organization and conducted by an approved instructor; or a self-study curriculum published by an approved organization. Instruction solely by use of audio tapes, video tapes, computer programs or other technological training aids not supplemented by the presence of an approved instructor, does not fall under this definition.

(3) "Approved" means the Commissioner has granted authority to a sponsoring organization to conduct an accredited course.

(4) "Certification number" means the identification number assigned by the Commissioner to each sponsoring organization and approved course.

(5) "Credit hours" means hours which have been assigned by the Commissioner, upon review and approval of course materials and content outline. ((<sup>4</sup>Hours means the time assigned by the Commissioner as recognition for the satisfactory completion of an approved course. For college-level work entirely on approved subjects:

~~(a) Twelve hours will be assigned for each quarter "credit hour."  
(b) Sixteen hours will be assigned for each semester "credit hour.")~~  
The number of hours assigned ~~((for other programs))~~ to a course will normally be based upon the number of classroom contact hours or their equivalent. However, based upon the evaluation of the course content, the number of hours assigned may be less than the total amount of time spent by the student in the course. Each credit assigned shall represent a minimum of sixty (60) minutes of contact, with not less than fifty (50) minutes of actual instruction on an approved topic.

(6) "Licensee" means ((each natural)) an individual person, not a company or other legal entity, licensed as a resident agent, solicitor or broker to sell life, disability, vehicle, property or casualty insurance; ((A credit insurance licensee is not included-)) however, an individual licensed to sell credit, surety, or travel insurance only, is not required to comply with the continuing education regulations.

(7) "Certificate of completion" means a document, signed by the instructor or other responsible officer of the sponsoring organization, ((and shall)) signifying the satisfactory completion of the course and ((shall)) reflecting the ((hours of)) credit hours earned. Such certificate(s) shall be in standard form, completed in its entirety, and containing such identifying information as is prescribed by the Insurance Commissioner from time to time.

**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 R 81-5, filed 8/31/81)

WAC 284-17-220 CONTINUING EDUCATION REQUIREMENT. (1) ((The number of hours course work to be presented annually as a prerequisite to license renewal or reissue shall be 12 hours:)) Twelve (12) hours of approved course work must be presented as a prerequisite to each license renewal or reissuance.

New licensees ((that) who have been licensed for less than 6 months at the time of renewal ((with)) are not ((be)) required to complete the continuing education, however, anyone licensed 6 months or more at time of renewal must have completed the entire 12 hours.

((The Commissioner may accept licensed sales experience in another state, as comparable experience for the purpose of calculating the number of years licensed and for determining the number of continuing education hours required for each annual renewal or reissuance:))

Each course ((to be)) applied toward satisfaction of the continuing education requirement, must have been completed within the twenty-four month period immediately preceding the licensee's renewal date and ((hours applied cannot have been applied in a previous year toward satisfaction of)) may not have been listed previously to comply with the continuing education requirement.

(2) A Licensee may not apply the continuing education credits received for completion of an approved course, if the course Certification Number is the same as that of a course previously completed. During the interim between adoption of this rule and the Commissioner's assignment of a Certification Number to each approved course, a Licensee may not repeat an identical approved course for the purpose of satisfying the continuing education requirement.

(3) The course participated in and for which credit is received shall be reported to the Commissioner as part of the application for license renewal ((and shall be subject to verification. If the home state of a nonresident agent is determined to have a continuing education program substantially comparable to that of Washington, satisfaction of the continuing education requirement may be accepted as meeting Washington's requirement:))

(4) A Licensee must retain the Certificate of Completion for a minimum of three years from the license renewal date for which the continuing education credit was applied, and must present such certificate upon request of the Commissioner.

**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 R 80-3, filed 3/20/80)

WAC 284-17-230 ELIGIBLE COURSES—ADVANCE APPROVAL REQUIRED. (1) Courses eligible for approval for the continuing education program shall be those courses demonstrating a direct and specific application ((related)) to insurance, ((General education courses and sales motivation courses shall not be eligible for approval:)) and presenting accurately all statutory and regulatory requirements which apply at the time the course is presented.

(2) Subjects not eligible for approval include but are not limited to:  
(a) marketing, prospecting or sales,  
(b) pre-license training,  
(c) motivation or psychology,  
(d) securities other than variable annuities,  
(e) automation/computer applications,  
(f) any product not available for sale to Washington consumers, such as workers' compensation.

(3) All courses must be ((approved)) submitted at least 15 days prior to the beginning of study ((in order to be applied toward the satisfaction of the continuing education requirement)). If the Commissioner has not determined course approval before commencement of the course, it may be presented as "credits applied for", but shall not be represented or advertised as "approved for continuing education credit." ((Provided, That licensees who have attended and seek credit for completion of courses organized by, and conducted under the supervision of industry trade associations, national associations of agents or brokers or such other national organizations as are accepted by the commissioner, may, within 60 days of course completion, submit a request for approval of course content and hours credit to the commissioner. The licensee seeking course and hours credit approval shall have the responsibility for providing:

(a) Sufficient supporting materials regarding course content and hours to permit the commissioner to make a determination, and

(b) A "certificate of completion" signed by the instructor or person in charge of the course signifying licensee attendance at, and completion of, the course:))

(4) The sponsoring organization is not authorized to issue a certificate of completion until written course approval is received from the Commissioner.

(5) The Commissioner shall assign an identifying Certification Number to each approved course; the Certification Number shall be listed on each Certificate of Completion issued by the sponsoring organization. If the course for which approval is requested was previously approved, and the course has not materially changed, the Certification Number will remain the same as was previously assigned.

(6) A sponsoring organization must provide a Certificate of Completion to each Licensee who has satisfactorily completed the course, within 15 days after completion or within 15 days of the date the course was approved by the Commissioner, whichever event is later.

(7) Approval of the course is valid for the sponsoring organization which originally submitted the course to the Commissioner, and is not transferable to any other entity.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### NEW SECTION

WAC 284-17-235 EXCEPTION TO THE ADVANCED APPROVAL REQUIREMENT. (1) An individual Licensee may attend and seek credit for completion of courses organized by, and conducted under the supervision of:

(a) industry trade associations, or  
(b) national associations of agents or brokers, or  
(c) such other national organizations as are accepted by the Commissioner. The Licensee may, within 60 days of course completion, submit course outlines and a request for credit hour approval to the Commissioner.

(2) The licensee seeking course approval for continuing education credit shall provide:

(a) sufficient supporting materials regarding course content and credit hours sought, to permit the Commissioner to make an informed determination of the educational value of the course, and

(b) a document signed by the instructor or person in charge verifying licensee's attendance at, and completion of, each portion of the seminar for which credits are sought.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

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

**AMENDATORY SECTION** (Amending Order R 81-5, filed 8/31/81)

WAC 284-17-250 **COURSES CONDUCTED BY ~~((AUTHORIZED))~~ SELF-CERTIFYING ORGANIZATIONS.** (1) Insurance companies, insurance trade associations and statewide associations of agents or brokers that have an existing formal, full-time ~~((and demonstrable))~~ training program may, upon request to and approval by the Commissioner, be authorized to develop course content and conduct approved courses and provide continuing education credits without the requirement for prior individual course review and approval by the Commissioner.

(2) Local chapters of ~~((such authorized))~~ each self-certifying statewide association of agents or brokers may submit proposed courses to the statewide organization and, upon a determination by the statewide organization that the local chapter's course meets the standards of the organization and complies with this continuing education regulation, such local chapter's course shall be considered to be a course of the statewide association of agents or brokers and shall be presumed to be approved by the Commissioner.

(3) ~~((It is the intent of this section that only organizations with a formal, full-time training program be approved to develop and conduct courses without prior individual course approval. Courses of other organizations are to be reviewed and acted on by the Commissioner on a prior and individual basis.))~~

Requests for training program review, and authority to develop course content and to conduct courses without prior individual course approval, must include the following information:

- (a) The name of the organization.
- (b) A description of the existing training program of the organization including:
  - (i) The titles ~~((or))~~ and description of courses taught during the previous year.
  - (ii) The number of students taught, by course, during the previous year.
  - (iii) The name of the person in charge of the training program and a description of her or his experience, including years of full-time training ~~((program))~~ experience ~~((, and years))~~ with ~~((the))~~ past and present organizations.

(iv) Budget of the training program for the current year.

(c) A description of the manner in which courses will be developed and ~~((reviewed prior to course conduct))~~ the basis for approval and certification of each course.

(d) A statement by the responsible employee or officer of the organization agreeing to comply with regulations in developing courses and attributing hours to the courses.

(e) An agreement ~~((to offer))~~ to provide ~~((, and to provide when requested;))~~ a certificate of completion and hours earned to each successful student.

(f) The Certification number assigned to the course.

(g) An agreement to maintain records of student course completion for three years.

(h) Any catalogue, brochure or other similar publication applying to the insurance training program.

(5) The granting of authority to an organization to develop course content and conduct courses without prior individual course approval shall be for an indefinite period, or until revoked in writing by the Commissioner. The actual conduct and performance of the training program shall be subject to review by the Commissioner.

(6) Organizations that have been authorized to develop course content, ~~((and))~~ conduct courses, and assign Certification Numbers without prior individual course approval shall file a course outline for each course with the Commissioner. The course outline shall be filed prior to the date it is proposed to be offered, and shall include:

- (a) A description of the subject matter to be taught and such additional information as the Commissioner may request.
- (b) The method of teaching or presentation.
- (c) The number of classroom contact hours.
- (d) An explanation of the criteria to be applied in determining whether the course is satisfactorily completed.

(e) The number of continuing education hours credit and the Certification Number assigned to each course.

~~((Other relevant information:))~~ The number of times the proposed course is to be offered.

(7) Such organization shall, by January first, provide the Commissioner with a list of the courses proposed to be offered during the upcoming calendar year.

(8) Assignment of hours to courses, by organizations that have been authorized to develop course content and conduct courses without prior individual approval, shall be subject to review and revision by the Commissioner as necessary to assure consistency in continuing education hours assigned to comparable courses.

**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 R 80-3, filed 3/20/80)

WAC 284-17-260 **COURSES INDIVIDUALLY APPROVED.** ~~((Organizations or individuals))~~ Programs not included in WAC ~~((284-17-240 or))~~ 284-17-250 ~~((that desire to have courses approved)),~~ may be submitted ~~((a request))~~ for individual course approval to the Commissioner.

(1) Such courses must be submitted at least 15 days prior to the beginning of study. Failure to submit requests in advance will result in automatic denial unless excepted by WAC 284-17-235.

(2) Approval of an individual course shall be valid for a maximum period of twelve months from the original approval date.

- (3) The request for course approval shall include:
- (a) the name and qualifications of the instructor;
  - (b) a description of the subject matter to be taught, and such additional details as may be requested by the Commissioner;
  - (c) an explanation of the method of teaching or presentation;
  - (d) the number of classroom contact hours;
  - (e) an explanation of the criteria to be applied in determining whether the course has been satisfactorily completed;
  - (f) the number of continuing education credit hours for which approval is requested, and the estimated number of times the course is to be offered;

(g) an agreement ~~((to offer to provide, and))~~ to provide ~~((when requested;))~~ a certificate of completion ~~((and continuing education))~~ indicating credit hours earned, to each successful student, and to retain records of all certificates issued for a minimum period of three years;

(h) an agreement by the responsible official to comply with regulations in conducting courses.

(4) Each instructor must possess a valid Washington State insurance agent's or broker's license for the line of insurance which is the subject of the course, unless the sponsoring organization is an insurance company, an agents' or brokers' industry trade association, a professional designation organization, or a regulatory agency, or unless the instructor is specifically approved by the Commissioner.

(5) A specific determination of course approval and hours ~~((approval))~~ assigned will be made by the Commissioner. The course must be submitted at least 15 days prior to the beginning of study. If the Commissioner has not determined course approval and assigned a Certification Number before commencement of the course, the course may be presented as "credits applied for", but shall not be represented or advertised as "approved for continuing education credit." ~~((No course for which individual course approval is required, may be represented as being approved prior to actual approval.))~~

(6) The Commissioner shall assign an identifying Certification Number to each approved course; the Certification Number shall be listed on each Certificate of Completion issued by the sponsoring organization.

If the course for which approval is requested was previously approved, and the course has not materially changed, the Certification Number shall remain the same as was previously assigned.

(7) The sponsoring organization is not authorized to issue a certificate of completion until written course approval is received from the Commissioner.

(8) A sponsoring organization must provide a certificate of completion to each Licensee who has satisfactorily completed the course, within 15 days after completion or within 15 days of the date the course was approved by the Commissioner, whichever event is later.

(9) Approval of the course is valid when instructed by the individual originally listed and presented by the sponsoring organization which originally submitted the course to the Commissioner, and is not transferable to any other entity.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### NEW SECTION

WAC 284-17-265 CORRESPONDENCE COURSES. (1) Any correspondence course must be submitted for approval by the organization which compiles and publishes the course materials, and must be approved prior to being offered to Licensees for continuing education credit. Approval of the course is valid for the sponsoring organization which originally submitted the course to the Commissioner, and is not transferrable to any other entity.

(2) Each request for the Commissioner's approval shall include:

(a) a copy of the course material for which approval is requested, including printed matter, workbooks, accompanying audio tapes and all tests;

(b) an explanation of the criteria to be applied in determining whether the course is satisfactorily completed; and

(c) the number of credit hours sought for each course.

(3) The Commissioner shall assign an identifying Certification Number to each approved course; the Certification Number shall be listed on each Certificate of Completion issued by the sponsoring organization. If the course for which approval is requested was previously approved, and the course has not materially changed, the Certification Number will remain the same as was previously assigned.

(4) Any approved correspondence course must conclude with an examination which requires a score of 70% or better to earn a certificate of completion.

(a) Each examination shall test the licensee's knowledge and understanding of the subject matter of the course;

(b) For each approved course, the sponsoring organization shall maintain a pool of tests sufficient to preserve the integrity of the test process;

(c) For each approved course, the sponsoring organization shall provide a written explanation of test security and administration methods;

(d) The examinations shall be administered, graded, and the results recorded by the organization to which course approval was originally granted;

(e) The completed tests shall be retained by the sponsor organization, and shall not be returned to the licensee.

(5) Approval of each correspondence course shall expire twelve months from the date approval was granted.

#### NEW SECTION

WAC 284-17-275 COURSES NOT APPROVED. A course will not be approved if any requirement of this chapter is not met, or if the instructor or the sponsoring organization:

(1) lacks education or experience in the subject matter of the proposed course, or

(2) has a history of noncompliance with insurance statutes or regulations, or

(3) has had an insurance license revoked.

#### AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-280 APPROVED COURSES OR ORGANIZATIONS—LOSS OF APPROVAL. (1) The approval of a course, or of an organization to develop and conduct courses without prior individual course approval, may be suspended or revoked by the Commissioner if ((he determines)) it is determined that:

(a) The course content ((has been)) was significantly changed without prior notice to the Commissioner ((and the change affects the number of hours assigned to the course)).

(b) A certificate of ((participation)) completion ((and hours earned is or has been)) was issued to any individual who did not complete the course.

(c) A certificate((s)) of ((participation)) completion ((and hours earned were)) was not ((offered, or were not given)) provided ((when

requested;)) to any individual((s)) who ((have satisfactorily)) completed the course.

(d) The actual instruction of the course is determined by the Commissioner to be inadequate.

(e) In the Commissioner's discretion, the course or courses offered failed to meet the objectives of the statutes requiring continuing education for insurance agents and brokers.

(f) The organization or individual authorized to conduct courses failed to comply with the Commissioner's request for submissions of updated descriptions of any course offerings.

(g) Records, course materials, or audit information were not provided within 15 days of the Commissioner's request.

(h) The examination for the course failed to adequately test the Licensees' knowledge and understanding of the subject matter of the course.

(i) The instructor or organization has violated insurance laws and regulations including, but not limited to, the regulations contained in this chapter.

(2) Reinstatement of a suspended or revoked approval shall be at the discretion of the Commissioner after receipt of satisfactory proof that the conditions responsible for the suspension have been corrected.

**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 R 80-3, filed 3/20/80)

WAC 284-17-290 WAIVER OF THE CONTINUING EDUCATION REQUIREMENT. (1) Any licensee who believes that good cause exists, may request a waiver of the continuing education requirement. Requests shall be in writing, received prior to the expiration of the licensee's existing license, and specify in substantive detail the reason or reasons why the licensee believes a waiver of the continuing education requirement for the current license renewal is merited.

(2) Any request for a waiver which is based upon the licensee's retirement shall be accompanied by a notarized statement that the licensee:

(a) is over 65 years old,

(b) is retired from active selling of insurance products, and (c) has no appointments.

(3) If the conditions upon which a waiver was granted change, the licensee shall notify the Commissioner in writing within 15 days, and may be required to satisfy the continuing education credit hours which would have been prerequisite to license renewal had the waiver not been granted. Violation of the conditions of this waiver may result in assessment of a fine, revocation of license, or both.

(4) Any request for a waiver which is based upon medical considerations shall be accompanied by a physician's statement of the applicant's illness or injury.

(5) No waiver shall be valid for a period in excess of one year from the applicant's regular license renewal date.

**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 R 80-3 [R 82-2], filed 3/20/80 [4/28/82])

WAC 284-17-310 WHEN CONTINUING EDUCATION REQUIREMENT MUST BE MET. Each licensee as defined at WAC 284-17-210~~((+3))~~ (5), shall ~~((be required to))~~ present evidence of completing the continuing education requirement, prior to license renewal~~((, beginning with those license renewals falling due on or after October 1, 1981)).~~

**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.

**AMENDATORY SECTION** (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-320 LICENSE RENEWAL REQUESTED—CONTINUING EDUCATION REQUIREMENT NOT SATISFIED. In the event that a (~~licensed insurance agent or broker~~) Licensee, who is required by this chapter to satisfy the continuing education requirement, requests a license renewal and fails to present evidence of completion of the continuing education requirement, the licensee shall be notified (~~by mail~~) in writing of the (~~apparent~~) deficiency and provided with (~~reasonable opportunity~~) 15 calendar days from the renewal date, within which to show compliance and avoid the statutory penalties and fines, and the suspension or revocation of her or his license.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 284-17-240 COURSES SPECIFICALLY APPROVED.

**WSR 87-22-056**  
**PROPOSED RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 [Filed November 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Salary—compensation lid compliance, chapter 392-126 WAC;

that the agency will at 9:00 a.m., Monday, December 14, 1987, in the State Board Room, SPI, Old Capitol Building, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28A.58.095.

Dated: November 3, 1987

By: Frank B. Brouillet  
 Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-126 WAC, Finance—Salary—compensation lid compliance.

Rule Section(s): WAC 392-126-003.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To provide for termination of salary compliance under chapter 392-126 WAC.

Summary of the New Rule(s) and/or Amendments: The amendment makes it clear that salary compliance under this chapter ends with the 1986-87 school year.

Reasons Which Support the Proposed Action(s): Chapter 2, Laws of 1987 1st ex. sess., repealed the salary compliance law, RCW 28A.58.095.

Section Analysis: Chapter 392-126 WAC, Finance—Salary—compensation lid compliance, WAC 392-126-003 provides for termination of salary compliance under this chapter.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Perry Keithley, Assistant Superintendent, SPI, Financial Services, 753-6742; and Enforcement: Dr. Charles Marshall, SPI, Deputy Superintendent, 753-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

**NEW SECTION**

WAC 392-126-003 TERMINATION DATE. This chapter is effective for salaries and benefits for the 1986-87 school year. Due to the repeal of RCW 28A.58.095, salaries and benefits for the 1987-88 school year and thereafter are not subject to the provisions of this chapter.

**WSR 87-22-057**  
**PROPOSED RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 [Filed November 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Administrative salary and insurance benefit compliance, chapter 392-127 WAC;

that the agency will at 9:00 a.m., Monday, December 14, 1987, in the State Board Room, SPI, Old Capitol Building, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28A.58.095.

Dated: November 3, 1987

By: Frank B. Brouillet  
 Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-127 WAC, Finance—Administrative salary and insurance benefit compliance.

Rule Section(s): WAC 392-127-003.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To provide for termination of administrative group salary compliance under this chapter.

Summary of the New Rule(s) and/or Amendments: Administrative group salary compliance ends with the 1986-87 school year.

Reasons Which Support the Proposed Action(s): Chapter 2, Laws of 1987 1st ex. sess., repealed the salary compliance law, RCW 28A.58.095.

Section Analysis: Chapter 392-127 WAC, Finance—Administrative salary and insurance benefit compliance,

WAC 392-127-003 provides for termination of administrative salary compliance under this chapter.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Perry Keithley, Assistant Superintendent, SPI, Financial Services, 753-6742; and Enforcement: Dr. Charles Marshall, Deputy Superintendent, SPI, 753-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

**NEW SECTION**

WAC 392-127-003 TERMINATION DATE. This chapter is effective for salaries and benefits for the 1986-87 school year. Due to the repeal of RCW 28A.58.095, salaries and benefits for the 1987-88 school year and thereafter are not subject to the provisions of this chapter.

**WSR 87-22-058  
PROPOSED RULES  
STATE PATROL  
(Commission on Equipment)  
[Filed November 3, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning certification, installation, repair and removal of ignition interlock breath alcohol devices;

that the agency will at 9:00 a.m., Tuesday, December 8, 1987, in the State Patrol Supply Facility Conference Room, 4242 Martin Way, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1987.

The authority under which these rules are proposed is chapter 247, Laws of 1987.

The specific statute these rules are intended to implement is chapter 247, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

Dated: November 3, 1987  
By: Lieutenant LaVere E. Klewin  
ESR Commander

**STATEMENT OF PURPOSE**

Title: Chapter 204-50 WAC, Ignition interlock breath alcohol devices.

Description of Purpose: To establish rules for the certification, installation, repair and removal of ignition interlock breath alcohol devices.

Statutory Authority: Chapter 247, Laws of 1987.

Specific Statute Rule is Intended to Implement: Chapter 247, Laws of 1987.

Summary of Rule: Establishes the specifications for manufacture, calibration, testing, installation, repair and removal of ignition interlock breath alcohol devices.

Reasons Supporting Proposed Action: Required by statute.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant LaVere E. Klewin, phone 753-6569.

Person or Organization Proposing Rule and Whether Public, Private, or Governmental: Washington State Patrol, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

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

Small Business Economic Impact Statement: None.

**Chapter 204-50 WAC  
IGNITION INTERLOCK BREATH ALCOHOL DEVICES**

**WAC**

- 204-50-010 Authority.
- 204-50-020 Purpose.
- 204-50-030 Definitions for words or terms used in this chapter.
- 204-50-040 Testing and certification process.
- 204-50-050 Test specifications.
- 204-50-060 Device accuracy and reliability.
- 204-50-070 Variable calibration.
- 204-50-080 Device maintenance and reports.
- 204-50-090 Device security.
- 204-50-110 Mandatory operational features.
- 205-50-120 Other provisions.
- 204-50-130 Removal procedures.

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.

**NEW SECTION**

WAC 204-50-010 AUTHORITY. This chapter is promulgated pursuant to RCW 46.37.005 and chapter 247, Laws of 1987.

**NEW SECTION**

WAC 204-50-020 PURPOSE. The purpose of this chapter is to establish guidelines for certification, installation, repair, and removal of ignition interlock breath alcohol devices, as required by chapter 247, Laws of 1987.

**NEW SECTION**

WAC 204-50-030 DEFINITIONS FOR WORDS OR TERMS USED IN THIS CHAPTER. Alcohol - The generic class of organic compounds known as alcohols and, specifically the chemical compound ethyl alcohol. For the purpose of ignition interlock devices, there is no requirement expressed or implied that the device be specifically for ethyl alcohol.

Breath alcohol concentration (BAC) - The weight amount of alcohol contained in a unit volume of breath, measured in grams Ethanol/210 liters of breath and expressed as %, grams % and % BAC. Breath alcohol concentration shall be expressed as "% BAC."

Court (or originating court) - The particular Washington state court that has required the use of an ignition interlock breath alcohol device by a particular individual.

Certification - The testing and approval process required by chapter 247, Laws of 1987.

Chief - The chief of the Washington state patrol.

Device - An ignition interlock breath alcohol device.

ESR - The equipment and standards review section of the Washington state patrol.



**Interlock** – The state in which a motor vehicle is prevented from starting by a device.

**Lessee** – The person ordered by a court to drive only vehicles which have certified devices installed.

**Manufacturer** – The person, company, or corporation who produces the device, or a recognized representative.

**OAC** – The office of administrator for the courts.

#### NEW SECTION

**WAC 204-50-040 TESTING AND CERTIFICATION PROCESS.** To be certified, a device must meet or exceed the minimum test standards listed in this chapter. Only a notarized statement, from a laboratory performing the tests as specified will be accepted as proof of meeting or exceeding the standards. The statement shall include the name and signature of the person in charge of the tests under the following sentence:

All tests on two samples of (model name) \_\_\_\_\_ manufactured by \_\_\_\_\_ were conducted in accordance with specifications listed in chapter 204-50 WAC.

A list of laboratories performing the required tests shall be maintained by the ESR.

Upon receipt of a statement from a testing laboratory that two samples of a device have successfully passed the test procedures listed in this chapter, and confirmation that all other requirements of this chapter have been met, the chief shall issue a letter of certification for the device. A copy of each certification letter will be forwarded to OAC. The letter of certification shall be valid until voluntarily surrendered by the manufacturer or until revoked by the chief for cause. Reasons for revocation include but are not limited to:

(1) Evidence of repeated device failures due to gross defects in design, materials, and/or workmanship during manufacture, installation, or calibration of the device;

(2) Notice of cancellation of manufacturer's liability insurance is received; and

(3) Notification that the manufacturer is no longer in business.

Unless necessary for the immediate good and welfare of the public, revocation shall be effective ten days after manufacturer's receipt of notice, which shall be sent via certified mail, return receipt requested. A copy of each notice of revocation shall be provided to OAC and lessees utilizing the revoked device with notice to contact the manufacturer for a replacement.

Upon voluntary surrender, or revocation of a letter of certification for a manufacturer's device, all like devices shall be removed and replaced. Manufacturers may request a review of revocation. Such request shall be submitted to the chief, in writing, within twenty days of revocation.

The ESR shall maintain a file of all existing letters of certification.

#### NEW SECTION

**WAC 204-50-050 TEST SPECIFICATIONS.** The purpose of these test specifications is to establish the accuracy and reliability of ignition interlock breath alcohol devices only. This shall be accomplished by performing no less than twenty tests utilizing simulators containing the alcohol solutions of known concentrations.

##### **EQUIPMENT AND SOLUTIONS**

Equipment and procedures list:

(1) Simulators.

(a) The simulator will be clean.

(b) The simulator will be in good working order.

(i) To check motor, heater, and thermometer, fill glass jar with 500 ml deionized or distilled water and reassemble.

(ii) Plug into 115 V line and after thirty minutes check temperature:  $34^{\circ}\text{C} \pm 0.2$ . (Make sure mercury column in thermometer is intact.) Check to make sure the stirrer is stirring smoothly.

(iii) The simulator must be leakproof.

(c) Rinse simulator with appropriate alcohol reference solution, then fill with 500 ml of the alcohol reference solution and reassemble.

(d) Attach a one inch piece of Tygon or FDA vinyl tubing to the simulator outlet and affix a saliva-trap mouthpiece. Attach an eight inch piece of tubing to the inlet.

(e) Live breath or regulated, filtered, dried compressed air will be introduced in the simulator according to the manufacturer's specifications.

(f) Each simulator is labeled with the BAC value to three decimal places, the batch number of the alcohol reference solution and the date filled.

(g) A log will be kept of the test results.

(h) The solution in the simulator may be used for ten tests and must be discarded after the tenth test.

(i) All simulator testing shall be conducted by using live breath or regulated, filtered, dried, compressed air as the source of air.

(2) Environmental chamber.

(a) Capacity to place complete units inside chamber to run tests.

(b) Ability to maintain temperature during test at  $-20^{\circ}\text{C}$ ,  $0^{\circ}\text{C}$ ,  $+40^{\circ}\text{C}$  and  $+70^{\circ}\text{C}$ .

(c)  $20 - 25^{\circ}\text{C}$  tests can be run at room temperature outside chamber.

(3) Standard alcohol reference solutions.

(a) Stock solution: Mix absolute ethanol with distilled or deionized water at a ratio of 77.0 ml of ethanol diluted up to one liter of water.

(b) Stock solution is stored in a well stoppered flask labeled "stock solution" and "contains 77.0 ml (60.5 gm) ethanol/L." The date prepared and initials of preparer.

(c) Standard alcohol reference solutions: Prepared from stock solution by pipetting the requisite amount of the stock solution into a volumetric flask and fill with distilled or deionized water to the mark as given below:

(i) For 0.020% dilute at ratio of 2.0 ml, stock solution to 500 ml.

(ii) For 0.030% dilute at ratio of 3.0 ml, stock solution to 500 ml.

(iii) For 0.040% dilute at ratio of 4.0 ml, stock solution to 500 ml.

(iv) The solution is thoroughly mixed by capping the container securely and inverting at least twenty times.

(d) The exact concentration of the standard alcohol reference solution shall be determined by titration using Potassium Dichromate (NBS primary standard grade). This standardized alcohol reference solution may then be used to calibrate a gas chromatograph.

(e) The standard reference solution is stored in a glass bottle with a tight fitting ground glass stopper or a teflon coated screw cap.

(f) The container is labeled with batch number, solution concentration in BAC, date prepared and the initials of the preparer. This data shall be recorded and filed.

(g) The manufacturer may request aliquot samples of the solutions for independent testing.

(4) Test procedures.

(a) Set up simulators with standard alcohol reference solutions.

(i) Standard alcohol reference solution 0.020 % BAC, allow to reach  $34^{\circ}\text{C} \pm 2.2\text{C}$ .

(ii) Standard alcohol reference solution 0.030 % BAC, allow to reach  $34^{\circ}\text{C} \pm 0.2\text{C}$ .

(iii) Standard alcohol reference solution 0.040 % BAC, allow to reach  $34^{\circ}\text{C} \pm 0.2\text{C}$ .

(b) Test set up.

(i) Alcohol devices shall not be modified.

(ii) Use one inch of tubing between simulator and saliva-trap mouthpiece. Attach the mouthpiece to the breath sampling inlet.

(iii) Operate the device according to the manufacturer's instructions.

(iv) Use new mouth piece and tubing after each sequence of ten tests.

(v) Wait at least five minutes between each test to avoid overloading sensors.

(vi) For the purposes of laboratory testing, the device may give a "pass/fail" response when installed in a subject's vehicle.

(5) Tests.

(a) Temperatures.

(i)  $20-25^{\circ}\text{C}$  (room temperature)

(ii)  $0^{\circ}\text{C}$

(iii)  $-20^{\circ}\text{C}$

(iv)  $+40^{\circ}\text{C}$

(v)  $+70^{\circ}\text{C}$

(b) Alcohol solutions.

(i) 0.000% BAC (distilled or deionized water)

(ii) 0.020% BAC  $\pm .005\%$

(iii) 0.030% BAC  $\pm .005\%$

(iv) 0.040% BAC  $\pm .005\%$

(c) Number of tests.

(i) Accuracy: Five tests at each temperature and at each concentration of alcohol solutions including 0.000% BAC.

(ii) Repeatability: Ten tests at 0.030% BAC  $\pm .005\%$  repeated at least forty-eight hours later.

(iii) Ten breath tests on each of two interlock devices at room temperature using a minimum of three human subjects having a BAC in the range of 0.020% BAC and 0.040% BAC as measured in a near simultaneous fashion using suitable evidentiary instrument (e.g., Intoxilyzer, Model 5000).

(iv) Ten breath tests on each of two interlock devices at room temperature using a minimum of three alcohol free human subjects registering (blank) BAC values on a suitable evidentiary instrument (e.g., Intoxilyzer, Model 5000).

(d) Criteria.

(i) 0.020% BAC, nineteen or twenty tests give "pass" i.e., always allow car to start.

(ii) 0.030% BAC, fifteen or twenty tests may or may not allow car to start.

(iii) 0.040% BAC, nineteen or twenty tests give "fail" i.e., not allow car to start.

(f) Nonalcoholic "bogus breath samples" for test purposes shall be generated by the testing laboratory using three or more of the following:

(i) Air compressor powered by a 12 v DC automobile battery.

(ii) Portable car vacuum cleaner.

(iii) Mylar plastic bag.

(iv) Rubber balloon.

The methods of interface to the device under test shall be determined by the testing laboratory. At least three tests will be run with each source of "bogus breath."

(g) Tests shall be conducted at room temperature to determine whether the use of filters can remove alcohol from breath sample thus circumventing the device. Cigarette filters from "Carlton" or "Lark" cigarettes packed into a paper tube shall be used for these tests.

(h) Test units shall meet performance of specifications at room temperature after being subjected to a vibration of 10 g's at 250 Hz for thirty minutes.

(i) Test devices shall meet performance specifications at 0°C at an altitude equivalent to eight thousand feet.

(j) The device must allow the driver to "re-start" the vehicle for a period of one minute after the ignition has been shut off without requiring further testing of the driver.

(k) The device must purge any residual alcohol before subsequent use.

#### NEW SECTION

WAC 204-50-060 **DEVICE ACCURACY AND RELIABILITY.** To be certified, a device must, with an accuracy coefficient of .95\* detect and interlock when the air sample provided to it contains alcohol at or above the calibrated setting, plus or minus .005% BAC.

The device must also allow the vehicle to be started with an accuracy coefficient of .95\*, when the breath sample provided to it contains no alcohol or less than the calibrated setting. The device shall utilize breath specimens which are alveolar air samples (deep lung air) in accordance with established forensic alcohol standards.

Note: \*95% of the time the device will operate correctly.

#### NEW SECTION

WAC 204-50-070 **VARIABLE CALIBRATION.** To be certified, a device must be capable of being preset, by the manufacturer, to interlock when the breath sample provided is at any level from .02 through .09% BAC (plus or minus .003% BAC). The actual setting of each device shall be determined by the originating court. The capability to change this setting shall be made secure, by the manufacturer, to prevent unauthorized adjustment of the device.

#### NEW SECTION

WAC 204-50-080 **DEVICE MAINTENANCE AND REPORTS.** Each lessee shall have the device examined by a factory representative for correct calibration and evidence of tampering every ninety days, or more often as may be ordered by the originating court.

A report on the results of each check shall be provided to the originating court. The report shall reflect what adjustments, if any, were necessary in the calibration of the device, any evidence of tampering, and any other available information the originating court may order.

An additional report shall be provided to OAC on a quarterly basis summarizing all complaints received by the manufacturer for each model or type of certified device. These reports shall be categorized by:

(1) Customer error of operation.

(2) Faulty automotive equipment other than the device.

(3) Apparent misuse of attempts to circumvent the device causing damage.

(4) Device failure due to material defect, design defect, workmanship errors in construction, installation, or calibration.

Note: Complaints in this category shall be accompanied by a statement of the actions taken to correct the problem(s).

#### NEW SECTION

WAC 204-50-090 **DEVICE SECURITY.** The manufacturer shall take all reasonable steps necessary to prevent tampering or physical circumvention of the device. These steps shall include special locks, seals, and installation procedures that prevent or record evidence of tampering and/or circumvention attempts.

#### NEW SECTION

WAC 204-50-110 **MANDATORY OPERATIONAL FEATURES.** Notwithstanding other provisions of this chapter, a certified device must comply with the following:

(1) The device shall be designed to permit a "restart" within three minutes without additional test when the ignition has been turned off.

(2) The device shall automatically and completely purge residual alcohol before allowing subsequent tests.

(3) The device shall be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.

(4) Each device shall be provided with a supply of disposable mouth pieces with saliva traps. The manufacturer will ensure availability of additional mouth pieces.

(5) Each device shall be uniquely serial numbered. All reports to an originating court, OAC, and/or ESR concerning a particular device shall include the name and address of the lessee, the name of the originating court, and the unique number of the device.

#### NEW SECTION

WAC 205-50-120 **OTHER PROVISIONS.** Notwithstanding other provisions of this chapter, each manufacturer of a certified device:

(1) Shall guarantee repair or replacement of a defective device within the state of Washington within a maximum of forty-eight hours of receipt of a complaint.

(2) Shall provide the originating court and the lessee a statement of charges clearly specifying warranty details, monthly lease amount, any additional charges anticipated for routine calibration and service checks and what items, if any, are provided without charge.

(3) Upon installation of each device, the manufacturer will provide ESR with a copy of the statement of charges referred to above. The statement shall include the name, address, and telephone number of the lessee and the originating court.

(4) Shall provide written notice of any changes in the statement of charges regardless of what person or agency requested the change.

(5) Shall provide to all lessees at the time of installation:

(a) A list of all calibration/service locations in the continental United States. The list shall include the business name, address, and telephone number of all such locations.

(b) A twenty-four hour telephone number to call for service support for those who may be traveling outside service areas.

(6) Shall provide to OAC and ESR proof of insurance with minimum liability limits of one million dollars per occurrence, with three million dollar aggregate total. The liability covered shall include defects in product design and materials, as well as workmanship during manufacture, calibration, installation, and removal. The proof of insurance shall include a statement from the insurance carrier that forty-five days notice shall be given to ESR prior to cancellation.

(7) Shall report to the originating court and ESR any requests to disconnect or circumvent without court order any device of their own or another manufacturer. Manufacturer shall not comply with any such request.

(8) Shall advise the originating court prior to removing the device under circumstances other than:

(a) Completion of sentence, or other terms of a court order.

(b) Immediate device repair needs.

Note: Whenever a device is removed for repair and cannot immediately be reinstalled, a substitute device shall be utilized. Under no circumstances

shall a lessee's vehicle be permitted to be driven without a required device.

**Reviser's note:** The above new section was filed by the agency as WAC 205-50-120. However, the other rules for the State Patrol, Commission on Equipment, are found in Title 204 WAC. The section above appears to be WAC 204-50-120, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

#### NEW SECTION

**WAC 204-50-130 REMOVAL PROCEDURES.** When so notified in writing by the originating court, the manufacturer shall remove the device and return the vehicle in normal operating condition. A final report (see WAC 204-50-080) shall be forwarded to the originating court that includes a summary of all fees paid by the lessee over the life of the contract.

### **WSR 87-22-059**

#### **PROPOSED RULES**

### **DEPARTMENT OF TRANSPORTATION (Design Standards Committee—Arterial Streets)**

[Filed November 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Transportation intends to repeal rules concerning Design Standards Committee—Arterial Streets, repealing Title 158 WAC, which was filed September 16, 1968, in accordance with chapter 34.04 RCW and RCW 43.32.010. This WAC contains the county design standards for arterial streets that were adopted by the State County Design Standards Committee on August 1, 1968.

This WAC should be repealed for the following reasons: Chapter 43.32 RCW does give the County Design Standards Committee the authority to adopt a rule; this committee does not meet the definition of "agency" as defined by RCW 34.04.010(1); and the design standards do not fall under the definition of "rule" defined by RCW 34.04.010(2);

that the agency will at 10:00 a.m., Friday, December 18, 1987, in the Board Room, 1D 2, Transportation 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 43.17.060.

The specific statute these rules are intended to implement is none.

Dated: November 3, 1987

By: A. D. Andreas

Deputy Secretary

#### **STATEMENT OF PURPOSE**

Title: Design Standards Committee—Arterial Streets, Title 158 WAC.

Description of Purpose: Repeal Title 158 WAC.

Statutory Authority: RCW 43.17.060.

Specific Statute Rule is Intended to Implement: None.

Summary of Rule: Title 158 WAC was filed September 16, 1968, in accordance with chapter 34.04 RCW and RCW 42.32.010. This WAC contains the county

design standards for arterial streets that were adopted by the State County Design Standards Committee.

**Reasons Supporting Proposed Action:** This WAC should be repealed for the following reasons: Chapter 43.32 RCW does give the County Design Standards Committee the authority to adopt a rule; this committee does not meet the definition of "agency" as defined by RCW 34.04.010(1); and the design standards do not fall under the definition of "rule" defined by RCW 34.04.010(2).

**Agency Personnel Responsible for Drafting, Implementation and Enforcement:** William I. Hordan, KF-01, 753-6123.

**Person or Organization Proposing Rule, and Whether Public, Private, or Governmental:** WSDOT.

**Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters:** None.

**Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action:** N/A.

**Small Business Economic Impact Statement:** None.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 158-04-010 WASHINGTON STATE COUNTY ARTERIAL DESIGN STANDARDS.

WAC 158-04-990 APPENDIX A—FORM.

### **WSR 87-22-060**

#### **PROPOSED RULES**

### **BOARD OF PILOTAGE COMMISSIONERS**

[Filed November 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning pilotage rates for the Puget Sound pilotage district, WAC 296-116-300;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in Room 3598, United States Federal Building, 35th Floor, 915 2nd Avenue, Seattle, WA 98104, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.035.

The specific statute these rules are intended to implement is RCW 88.16.035.

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

Dated: November 2, 1987

By: Marjorie T. Smitch

Assistant Attorney General

#### **STATEMENT OF PURPOSE**

Rule: WAC 296-116-300.

Statutory Authority: RCW 88.16.035.

Reason for Amendment: To reflect a change in tariffs in 1988.

Implementation: This rule will be implemented by the Washington State Board of Pilotage Commissioners, Colman Dock, Seattle, WA 98104, (206) 464-7818.

Proposed: Rule is proposed by the Board of Pilotage Commissioners.

Agency Comments: None.

Federal Law/Court Decision: None.

Small Business Economic Impact Statement: None required.

**AMENDATORY SECTION** (Amending Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10, filed 12/19/86)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on January 19, ((1987)) 1988.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee:	\$ ((26.00)) 30.00
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Dead ship towing charge: LOA of tug + LOA of tow + beam of tow Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	Double LOA Zone
Waterway and bridge charges: Ships up to 90' beam: A charge of ((135.00)) \$155.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ((64.00)) \$74.00 per bridge.	
Ships 90' beam and/or over: A charge of ((182.00)) \$209.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ((128.00)) \$147.00 per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
Two pilots required: In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.	
Compass adjustment	\$((181.00)) 208.00
Radio direction finder calibration	\$((181.00)) 208.00
Launching vessels	\$((272.00)) 313.00
Trial trips, 6 hours or less (Minimum \$((443.00)) 504.00)	\$ ((73.00)) 84.00 per hr.
Trial trips, over 6 hours (two pilots)	\$((145.00)) 167.00 per hr.

CLASSIFICATION	RATE
Shilshole Bay — Salmon Bay	\$((+06.00)) 122.00
Salmon Bay — Lake Union	\$ ((84.00)) 97.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	\$((+06.00)) 122.00
Cancellation charge	LOA Zone I
Cancellation charge — Port Angeles (when pilot is ordered and vessel proceeds without stopping for pilot.)	LOA Zone I
Docking delay ((after)) or anchoring due to docking delay:	\$ ((73.00)) 84.00 per hr.
((Applicable harbor shift rate to apply, plus \$73.00 per hour standby:)) No charge if delay is ((60 minutes)) one hour or less. If the delay is more than ((60 minutes;)) one hour, but less than three hours, the charge is ((73.00)) \$84.00 for every hour, or fraction thereof. If the delay is more than three hours the charge is \$168.00 for every hour, or fraction thereof.	
Sailing delay:	\$ ((73.00)) 84.00 per hour
No charge if delay is ((60 minutes)) one hour, or less. If the delay is more than ((60 minutes;)) one hour, but less than three hours, the charge is ((73.00)) \$84.00 for every hour, or fraction thereof. If the delay is more than three hours the charge is \$168.00 for every hour, or fraction thereof.	
((Slow-down = \$73.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed:))	
Slowdown:	When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$84.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.
Super ships:	20,000 to 50,000 gross tons: Additional charge to LOA zone mileage of ((50.0452)) \$0.0520 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.  50,000 gross tons and up: In excess of 50,000 gross tons, the charge shall be ((50.0544)) \$0.0622 per gross ton.
For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.	
Delayed arrival-Port Angeles:	\$ ((73.00)) 84.00 per hour
When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours ((without notification of change of ETA)) of its ETA, or its ETA is amended less than twelve hours prior to the original ETA, a charge of \$84.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.	
Transportation to vessels on Puget Sound:	
March Point or Anacortes	\$ ((96.00)) 129.00
Bangor	((56.00)) 75.00
Bellingham	((106.00)) 143.00
Bremerton	((29.00)) 39.00
Cherry Point	((125.00)) 168.00
Dupont	((56.00)) 75.00
Edmonds	((20.00)) 26.00
Everett	((36.00)) 48.00



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 this regulation is adopted at the recommendation of the Pacific Fishery Management Council to close sablefish harvest while allowing harvest of other bottomfish resources.

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 November 3, 1987.

By Bette M. Johnson  
for Joseph R. Blum  
Director

#### NEW SECTION

**WAC 220-44-05000J COASTAL BOTTOMFISH CATCH LIMITS.** Notwithstanding the provisions of WAC 220-44-050, effective November 4, 1987, until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) *Widow Rockfish (Sebastes entomelas)* – One vessel trip per week in excess of 3,000 not to exceed 5,000 pounds. No limit on the number of landings of less than 3,000 pounds.

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

(3) *Pacific ocean perch (Sebastes alutus)* – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, of which no more than 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1987 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species combined per vessel

trip biweekly, defined as Sunday through the second Saturday following of which no more than 15,000 pounds may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species in any one calendar week of which no more than 3,750 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1987 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after any landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(5) *Sablefish* – Unlawful to land sablefish taken with any gear.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

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

**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.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective November 4, 1987:

**WAC 220-44-05000I COASTAL BOTTOMFISH CATCH LIMITS (87-166)**

**WSR 87-22-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 87-186—Filed November 3, 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 salmon are available, and adequate stream flows allow for escapement.

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 November 3, 1987.

By Bette M. Johnson  
 for Joseph R. Blum  
 Director

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. November 3, 1987:

WAC 220-40-02100E WILLAPA HARBOR GILLNET SEASON. (87-182)

**WSR 87-22-063**  
**NOTICE OF PUBLIC MEETINGS**  
**LOTTERY COMMISSION**  
 [Memorandum—November 3, 1987]

1988 COMMISSION MEETING SCHEDULE

<u>TYPE OF MEETING</u>	<u>MONTH/DAY</u>	<u>LOCATION</u>
Regular	February 5	Olympia
Regular	April 8	Sea-Tac
Regular	June 3	Sea-Tac
Regular	August 5	Sea-Tac
Regular	October 7	Sea-Tac
Regular	December 2	Sea-Tac

**WSR 87-22-064**  
**ADOPTED RULES**  
**DEPARTMENT OF CORRECTIONS**  
 [Order 87-04—Filed November 3, 1987]

I, Chase Riveland, secretary of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Reimbursable impacts/rates—Criminal justice costs, amending WAC 137-70-040, which increases to \$18.00 per day the maximum reimbursement that will be made to political subdivisions for jail costs incurred as the result of the criminal activities of adult offenders assigned to state correctional institutions.

This action is taken pursuant to Notice No. WSR 87-19-138 filed with the code reviser on September 22, 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 72.72.040 which directs that the secretary of the Department of Corrections has authority to implement the provisions of chapter 72.72 RCW.

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

APPROVED AND ADOPTED November 3, 1987.

By Chase Riveland  
 Secretary

**AMENDATORY SECTION** (Amending Order 87-02, filed 6/30/87)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES—CRIMINAL JUSTICE COSTS. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(1) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

(a) \$19.03 per hour for the period July 1, 1985, through June 30, 1986.

(b) \$19.81 per hour for the period July 1, 1986, through June 30, 1989.

(2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(a) \$45.50 per hour from July 1, 1985, through June 30, 1986.

(b) \$47.37 per hour from July 1, 1986, through June 30, 1989.

(3) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited

to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(a) Judges – \$42.41 per hour from July 1, 1985, through June 30, 1986, and \$44.15 per hour for the period July 1, 1986, through June 30, 1989. These costs shall include the services of court clerks and bailiffs.

(b) Court reporters – \$19.08 per hour from July 1, 1985, through June 30, 1986, and \$19.86 per hour for the period July 1, 1986, through June 30, 1989.

(c) Transcript typing services – \$3.80 per page from July 1, 1985, through June 30, 1986, and \$3.96 per page for the period July 1, 1986, through June 30, 1989.

(d) Expert witnesses – \$63.86 per hour from July 1, 1985, through June 30, 1986, and \$66.48 per hour for the period July 1, 1986, through June 30, 1989.

(e) Witness fees/nonexpert – jury fees – reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$28.67 per day for the period July 1, 1985, through June 30, 1986, and \$29.85 for the period July 1, 1986, through June 30, 1989.

(4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$15.00 per inmate day from July 1, 1985, through June 30, ~~((+1986))~~ 1987, and ~~((+\$15.00))~~ \$18.00 for the period July 1, ~~((+1986))~~ 1987, through June 30, ~~((+1989))~~ 1988.

(5) Coroner – Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the department as reasonable.

(6) Medical costs – Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the department. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

**WSR 87-22-065**

**PROPOSED RULES**

**PUGET SOUND**

**WATER QUALITY AUTHORITY**

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Puget Sound Water Quality Authority intends to adopt, amend, or repeal rules concerning this is a proposal to adopt new chapter 400-12 WAC. This chapter would establish guidelines, criteria, and procedures for local governments to use in carrying out planning and implementation activities to control nonpoint source water pollution, pursuant to elements NP-2, NP-8, and NP-9 of the 1987 Puget Sound water quality management plan;

that the agency will at 7:00 p.m., Tuesday, December 8, 1987, in the King County Administration Building, Room 402, Seattle, and on Tuesday, December 8, 7:00 p.m., in the Kitsap County Fire District #1, 10955 Silverdale Way N.W., Silverdale, and on Wednesday, December 9, 7:00 p.m., in the House Office Building, Hearing Room B, Capitol Campus, Olympia, and on Thursday, December 10, 7:00 p.m., in the Skagit County Courthouse, Second and Kincaid, Hearing Room C, Mount Vernon, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 20, 1988.

The authority under which these rules are proposed is RCW 90.70.025.

The specific statute these rules are intended to implement is RCW 90.70.055 and 90.70.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 11, 1987.

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

Roz Glasser  
Puget Sound Water Quality Authority  
217 Pine Street, Suite 1100  
Attn: Nonpoint Rule  
Seattle, WA 98101  
(206) 464-7320

Dated: November 3, 1987

By: Katherine Fletcher  
Chair

**STATEMENT OF PURPOSE**

Title: Chapter 400-12 WAC, Local planning and management of nonpoint source pollution.

Description of Purpose: To adopt new chapter 400-12 WAC. This chapter would establish guidelines, criteria, and procedures for local governments to use in carrying out planning and implementation activities to control nonpoint source water pollution, pursuant to elements NP-2, NP-8, and NP-9 of the 1987 Puget Sound water quality management plan.

Statutory Authority: RCW 90.70.025.

Specific Statute Rule is Intended to Implement: RCW 90.70.055 and 90.70.060, especially RCW 90.70.060(8).

Summary of Rule: This chapter establishes a process to rank watersheds in the Puget Sound basin based on their need for actions to prevent or correct nonpoint source water pollution, and to develop watershed action plans to prevent nonpoint source pollution, enhance water quality, and protect beneficial uses. Each county will convene a committee to identify and rank the watersheds wholly or partly within the county boundaries, using criteria cited in this chapter. Local watershed management committees will then be formed to develop and oversee implementation of action plans for those watersheds most in need or corrective and/or preventative action. Completed action plans will be submitted to the Department of Ecology for approval. Each action plan will be implemented through voluntary action and/or local, state, and federal laws, regulations, or programs. This



chapter further identifies criteria by which local governments are to evaluate their existing ordinances and procedures which may affect water quality. Finally, this chapter establishes procedures for local governments to develop and implement county-wide education programs about nonpoint source pollution.

**Reasons Supporting Proposed Action:** Nonpoint sources contribute significant amounts of pollutants (including pathogens, sediments, toxicants) to many areas of Puget Sound and its tributaries, adversely affecting the water quality and the resources and activities that depend on clean water. Generally, each nonpoint source (e.g., on-site septic systems, agricultural practices, boats, and forest practices) has had its own control program run by a different government agency. Weaknesses in the control of nonpoint pollution arise from weaknesses in the separate source control programs and in the lack of an overall coordinated process to control all sources in a bay or watershed. This proposal seeks to reduce and prevent nonpoint source pollution by establishing a coordinated process for targeting state and local resources on priority watersheds and by establishing clear procedures for a cooperative local watershed planning and implementation process. Recognizing the need to address problems throughout the Puget Sound basin, it also requires county-wide efforts to educate and to evaluate programs affecting water quality.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Roz Glasser, 464-6166; other contacts are Naki Stevens, 464-6138, or Jerry Boese, 464-7312, all located at the Puget Sound Water Quality Authority, 217 Pine Street, Suite 1100, Seattle, Washington 98101.

**Person or Organization Proposing Rule, and Whether Public, Private, or Governmental:** Puget Sound Water Quality Authority, a state agency.

**Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters:** It is emphasized that the Department of Ecology is intended to be the agency to coordinate the implementation of this rule, per proposed WAC 400-12-100.

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

**Small Business Economic Impact Statement:** Not required for this rule. This rule directly affects public agencies only and therefore will not have any direct economic impact on industries or small businesses. While this rule will result in the development of watershed action plans that could have an economic impact on certain industries when they are implemented by local and state agencies, it is impossible to assess either the percentage of an industry that might be affected or the magnitude of any impacts prior to development of individual watershed action plans. These plans will vary widely in terms of the types of industries that could be affected and the potential impacts. Local and state implementing agencies will be responsible for reviewing the proposed plans and their potential impacts in accordance with appropriate local and state laws.

**SEPA Compliance:** The authority proposes to adopt the draft and final environmental impact statements for

the 1987 Puget Sound water quality management plan as being appropriate and meeting the environmental review needs for this proposal.

Chapter 400-12 WAC  
LOCAL PLANNING AND MANAGEMENT OF NONPOINT  
SOURCE POLLUTION

WAC

PART ONE  
AUTHORITY/PURPOSE

- 400-12-100 Authority.  
400-12-110 Purpose.  
400-12-120 Applicability.

PART TWO  
GENERAL REQUIREMENTS

- 400-12-200 Definitions.  
400-12-210 Overview.

PART THREE  
WATERSHED RANKING PROCESS

- 400-12-300 Watershed ranking committees.  
400-12-310 Watershed ranking process and criteria.

PART FOUR  
PREPARATION FOR WATERSHED PLANNING

- 400-12-400 Lead agency for watershed planning—Designation and responsibilities.  
400-12-410 Watershed management committees.  
400-12-420 Identification of planning and implementing entities.

PART FIVE  
WATERSHED ACTION PLANNING PROCESS

- 400-12-500 Overview.  
400-12-510 Phase 1—Nonpoint sources of pollution—Description and program goals.  
400-12-520 Phase 2—Draft plan development.  
400-12-530 Phase 3—Plan submittal and approval.  
400-12-540 Plan implementation.  
400-12-550 SEPA review.

PART SIX  
SOURCE CONTROL PROGRAMS

- 400-12-600 General provisions.  
400-12-610 Agricultural practices.  
400-12-620 On-site sewage disposal.  
400-12-630 Urban stormwater and erosion.  
400-12-640 Forest practices.  
400-12-650 Marinas and boats.  
400-12-660 Other sources.

PART SEVEN  
PLAN COMPLIANCE

- 400-12-700 Responsibility of implementing entities.  
400-12-710 Revisions.  
400-12-720 Default procedure.  
400-12-730 Exceptions.  
400-12-740 Severability.

PART EIGHT  
COUNTYWIDE PROGRAMS

- 400-12-800 Local evaluations and countywide education.  
400-12-810 Evaluation of existing local programs.  
400-12-820 Countywide education programs.

PART ONE  
AUTHORITY/PURPOSE

NEW SECTION

WAC 400-12-100 AUTHORITY. This chapter is promulgated by the Puget Sound water quality authority pursuant to RCW 90.70-.025 and 90.70.080.

(1) It is the intent of this chapter that the department of ecology coordinate all aspects of this program, including interpreting this chapter for local entities, state agencies, and tribes and affected parties as they carry out their responsibilities under this chapter, and that the

department shall consult with the authority as needed regarding the interpretation of this chapter.

(2) As required by RCW 90.70.070, the authority shall review the progress of state agencies and local governments regarding timely implementation of programs established pursuant to this chapter.

#### NEW SECTION

WAC 400-12-110 **PURPOSE.** The purpose of this chapter is to establish guidelines, criteria, and procedures for ranking watersheds, developing and implementing action plans for watersheds most in need of corrective and/or preventive actions, evaluating local water quality programs, and implementing countywide nonpoint source education programs.

#### NEW SECTION

WAC 400-12-120 **APPLICABILITY.** This chapter applies to the Puget Sound basin as identified by RCW 90.70.060, and does not apply outside of the Puget Sound basin. Early action watershed plans that are underway when this chapter becomes effective are not required to follow specific detailed provisions of this chapter; however, these plans must be consistent with the intent of the plan and as consistent as possible with this chapter.

### PART TWO GENERAL REQUIREMENTS

#### NEW SECTION

WAC 400-12-200 **DEFINITIONS.** For the purposes of this chapter, the following definitions shall apply:

- (1) "Action plan" means a locally developed and implemented plan to prevent and control nonpoint pollution in a watershed.
- (2) "Affected parties" means both the beneficial users of water whose use is being impaired, or is potentially impaired, by nonpoint pollution, and those groups associated with the nonpoint sources of pollution identified in WAC 400-12-510(4).
- (3) "Authority" means the Puget Sound water quality authority.
- (4) "Beneficial uses" means uses identified by Water quality standards for waters of the state of Washington (chapter 173-201 WAC) as desirable uses for given classes of waters, such as water supplies for domestic, industrial, or agriculture purposes; fish, shellfish, and wildlife habitat; recreation; and navigation.
- (5) "Best management practices" means agricultural or structural and managerial practices that, when used as part of an approved site development plan or farm water quality management plan, provide minimum essential treatment needed to solve site-specific water quality problems.
- (6) "Consultations" include informal meetings with representatives or small groups of interested or affected parties for the purpose of discussing problems or solutions, or sharing information.
- (7) "Department" means the Washington state department of ecology.
- (8) "Document review" means solicitation of comment from interested and affected parties on reports, proposals, or plans during various stages of development of watershed action plans.
- (9) "Early action watersheds" means those watersheds selected by the department for development of watershed action plans prior to promulgation of this chapter, including the ecology shellfish strategy early action watersheds and other watersheds in Puget Sound.
- (10) "Failed," "failing," or "failure" of an on-site sewage system shall include, but not be limited to, the occurrence of any one, or combination of, the following factors:
  - (a) The system cannot accept sewage effluent at the design rate, resulting in interference with plumbing fixture use;
  - (b) Sewage effluent exceeds the infiltrative capacity of the soil resulting in objectionable odors, ponding, seepage, or other discharge of the effluent to the surface of the ground or surface water; and/or
  - (c) Sewage effluent from the system results in contamination of a potable water supply, groundwater, or surface water.
- (11) "Farm" means a property where domesticated animals are kept to provide primary or supplementary income, for personal consumption, or for recreational use, or where crops are grown for resale.
- (12) "Farm water quality management plan" means a site-specific plan developed by a farm operator in cooperation with a resource agency (such as those developed under the 208 water quality management plans through the conservation district or the soil conservation

service) and approved by the conservation district board of supervisors, for managing resources to protect water quality while optimizing farm income and conserving soil, forests, wildlife, and other natural resources.

(13) "Federal entities" means agencies of the federal government having major facilities or substantial land holdings in the watershed, such as the Department of Defense, the Department of the Interior, or the Department of Transportation.

(14) "Groundwater management areas" means areas designated and defined in chapter 173-100 WAC and administered by the department.

(15) "Implementing entity" means a federal or state agency, Indian tribe, local government, or special purpose district responsible for carrying out some or all of the provisions of a watershed action plan.

(16) "Lead agency" means any entity with responsibility for convening the watershed ranking committee in accordance with Part Three of this chapter, or coordinating the development and implementation of a watershed action plan for watersheds and selected in accordance with WAC 400-12-400. In both cases, the lead agency must be a governmental jurisdiction with power to pass resolutions, enact ordinances, and appropriate funds for expenditure, or an Indian tribe recognized as such by the federal government with territory or usual and accustomed fishing grounds within waters in or adjacent to the county, or conservation district.

(17) "Local government" means the city or town council, board of county commissioners, county council, special purpose district commission, or that body assigned such duties by a city, county, or district charter.

(18) "Nonpoint source pollution" or "nonpoint pollution" as defined in RCW 70.146.020, means pollution that enters any waters of the state from any dispersed land-based or water-based activities, including but not limited to atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels.

(19) "On-site sewage disposal system" means an approved septic tank and drainfield or alternative treatment and disposal system as defined in chapters 248-96 and 173-240 WAC.

(20) "Pesticides" means those substances intended to manage animal pests and plants as defined in chapter 15.58 RCW.

(21) "Plan" means the 1987 Puget Sound water quality management plan and amendments.

(22) "Planning agency" means any local agency participating in developing a watershed action plan.

(23) "Prevention" means application of laws, administrative procedures, and/or land management practices or education and public involvement programs which reduce and eliminate nonpoint pollution.

(24) "Priority watershed" means a watershed listed on the final county watershed ranking prepared in accordance with this chapter as those watersheds most in need of preventive or corrective actions.

(25) "Public meeting" means an informal public proceeding, including a workshop, that informs the public and provides an opportunity for the public to ask questions and voice opinions.

(26) "Public notification" means using public information techniques to ensure that:

- (a) Information on decisions to be made or actions to be taken is complete and understandable;
- (b) A full explanation is provided on the effects of decisions or actions on the public, especially the effects on specific groups or geographic areas; and
- (c) The ways in which the public may influence the decision-maker and appeal the decision are explained.

(27) "Public hearing" means a formal public meeting to take testimony on a pending action.

(28) "Puget Sound" means all waters of Puget Sound, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands.

(29) "Ranking criteria" means Criteria For Assessing Level Of Significance Of Nonpoint Water Pollution developed by the United States Department of Agriculture "Puget Sound Cooperative River Basin Study" to rate watersheds for priority ranking. (See also U.S. Department of Agriculture, Puget Sound Cooperative River Basin Study.)

(30) "Regional watershed" means the geographic region draining into a major river or body of water or a major geographical area. Regional watersheds are identified and numbered on the U.S. Geological Survey Hydrologic Unit Map of Washington.

(31) "Regulation" means laws, rules, and ordinances implementing legislation to establish legal standards or administrative procedures to control nonpoint pollution.

(32) "Source control programs" means programs using education, technical and financial assistance, regulation, monitoring, and/or enforcement to control, prevent, and mitigate nonpoint pollution from on-site sewage treatment, agricultural practices, stormwater, forest practices, marinas and boats, and other residential, agricultural, commercial, and industrial sources.

(33) "Special surveys" means intensive assessments of land use and water quality designed to obtain additional information on specific sources or pollutants that is not available through routine water sampling.

(34) "State-wide forest practices program" means chapter 76.09 RCW, the Washington state Forest Practices Act; forest practices regulations as adopted by the state forest practices board and ecology; administration of the Forest Practices Act and regulations; and implementation of the Timber, Fish, and Wildlife Agreement.

(35) "Subwatershed" means a geographic and hydrologic subunit of a watershed.

(36) "208 water quality management plans" means nonpoint source control plans prepared in accordance with Section 208 of the Federal Clean Water Act.

(37) "U.S. Department of Agriculture, Puget Sound Cooperative River Basin Study" means the watershed ranking criteria for nonpoint source pollution prepared through a joint effort by federal and state agencies including the conservation commission, department of ecology, Puget Sound water quality authority, and the U.S. Department of Agriculture's Soil Conservation Service and Forest Service.

(38) "Watershed" means a geographic and hydrologic unit within which water drains into a particular river, stream, or body of water.

(39) "Watershed action plan" see "action plan".

(40) "Watershed management committee" means a local committee formed to develop a watershed action plan in accordance with criteria set forth in this chapter and in the plan.

(41) "Watershed ranking committee" means a committee convened to identify and rank all of the watersheds within a county in accordance with criteria set forth in this chapter and as generally described in the plan.

(42) "Water quality violation" means a violation of the state water quality laws or regulations.

(43) "Wetlands" means lands as defined in the United States Department of Interior Fish and Wildlife Service "Classification of Wetlands and Deepwater Habitats of the United States".

#### NEW SECTION

WAC 400-12-210 OVERVIEW. This chapter establishes a process to identify and rank watersheds in the Puget Sound basin and to develop watershed action plans to prevent nonpoint source pollution, enhance water quality and protect beneficial uses. Each county will convene a committee to rank the watersheds wholly or partly within the county boundaries, using criteria set forth in this chapter. Local watershed management committees will be formed to develop action plans for those watersheds most in need of corrective and/or preventive action. The lead agency must submit completed action plans to the department for approval. Each action plan will be implemented through voluntary actions; local ordinances; and/or local, state, and federal laws, regulations, and programs. To the maximum extent feasible, with available resources, technical assistance from state agencies will be available on request to committees and implementing agencies during watershed ranking, development of action plans, and implementation. Substantial involvement by both the general public within the watershed and affected parties shall be sought in all phases of watershed ranking and action plan development. If local voluntary programs prove ineffective, regulatory programs may be required.

This chapter further identifies criteria by which local governments are to evaluate their existing ordinances and procedures which may affect water quality. Finally, this chapter establishes procedures for local governments to develop and implement countywide education programs about nonpoint source pollution.

The provisions of this chapter shall be conducted in accordance with the public involvement policies of the Puget Sound water quality management plan and the Open Public Meetings Act, chapter 42.30 RCW.

#### PART THREE WATERSHED RANKING PROCESS

#### NEW SECTION

##### WAC 400-12-300 WATERSHED RANKING COMMITTEES.

(1) Lead agency. The county is assumed to be the lead agency for the watershed ranking. However, the watershed ranking committee may, in consultation with the department and in accordance with WAC 400-12-200(16), select a lead agency other than the county where circumstances warrant.

(2) Lead agency responsibilities. The lead agency shall coordinate and oversee the watershed ranking process. Duties will include responsibility for grant applications and administration, scheduling and coordinating meetings of the watershed ranking committee, presenting draft materials to the committee for review, delegating tasks to committee members, and performing other duties as necessary to carry out the ranking task.

(3) Membership. The county shall contact by letter all local government legislative authorities, special purpose districts, and tribes with usual and accustomed fishing grounds within or adjacent to the county, and invite each entity to choose a representative to serve on the watershed ranking committee. In counties with numerous incorporated communities, committees shall include representatives from first, second, third, and fourth class cities as referenced in chapter 35.01 RCW, Municipal corporations classified. The lead agency shall ensure that the general public and affected parties are included either on the watershed ranking committee or on a separate citizen advisory committee. If a separate citizen advisory committee is used, the watershed ranking committee shall consult with the citizen advisory committee at each step of the watershed ranking process.

(4) Public involvement. The committee shall provide for meaningful and substantive participation by the general public and affected parties. The committee shall regularly provide written information on the watershed selection process to all local governments (including special purpose districts), federal government entities, planning and health agencies having jurisdiction within the county, Indian tribes, and other interested parties. The committee shall conduct public meetings or workshops during the watershed ranking process for county residents and other interested parties.

#### NEW SECTION

##### WAC 400-12-310 WATERSHED RANKING PROCESS AND CRITERIA.

(1) The watershed ranking committee shall direct planning and implementing entities to compile information on water quality, habitat, and biological conditions of all the watersheds in the county in relation to nonpoint source pollution and report on this information to the committee. The report is to relate existing local, state, and federal source materials, and any additional water quality information the committee deems necessary and practical to collect, to the ranking criteria provided in program element NP-1 of the plan and that which is included in the U.S. Department of Agriculture "Puget Sound Cooperative River Basin Study Criteria".

(2) The watershed ranking committee shall then rank the watersheds in order of priority need for preventive and/or corrective actions using the criteria specified in subsection (1) of this section.

Alternative methods of ranking, consistent with the criteria specified in the plan, may be used with approval from the department. In counties with regional watersheds too large for practical development and implementation of a single action plan, the committee shall rank subwatersheds for those regional watersheds. In ranking subwatersheds, the committee should reflect the order in which action plans should be prepared in order to best protect and enhance water quality and protect beneficial uses in the regional watershed. Early action watersheds are not to be included in the ranking process.

(3) The watershed ranking committee shall conduct business in accordance with the Open Public Meetings Act, chapter 42.30 RCW and shall solicit review of a draft report describing the proposed ranking. There shall be at least one public hearing in the county on the proposed ranking.

(4) Following consideration of comments made on the proposed ranking, the committee shall make appropriate changes to the ranking. The committee shall submit the final ranking, including a report on the method used and the results for each watershed, to the department by January 1, 1989. Although early action watersheds are not included in the ranking, they are to be noted as watersheds of the county in the final ranking. The committee shall also submit a record of their actions showing that the ranking process was conducted in accordance with the procedures outlined in this section.

(5) The department shall allocate funds for action plans in the order that watersheds appear on the committee's final ranking and in accordance with prescribed procedures pursuant to chapter 70.146 RCW. The department shall distribute funds equitably among Puget Sound counties.

(6) The lead agency shall reconvene the watershed ranking committee at least every five years to evaluate the ranking based on the results of implementation of action plans and/or new information.

#### PART FOUR PREPARATION FOR WATERSHED PLANNING

##### NEW SECTION

**WAC 400-12-400 LEAD AGENCY FOR WATERSHED PLANNING—DESIGNATION AND RESPONSIBILITIES.** (1) For watersheds within a single county, the county is the lead agency for the formation of watershed management committees. The watershed management committee may select another lead after it is convened by the county, if that entity meets the requirements set forth in this chapter. If the county does not act as the lead agency, it shall serve on the committee and shall participate in local review of the action plan as described in Part Five of this chapter.

(2) The lead agency shall coordinate the activities necessary to develop and implement the watershed action plan, submit the action plan to the department for approval, administer the grant to develop the action plan, coordinate SEPA review, and oversee plan implementation. The lead agency shall also be responsible for coordinating the activities of the watershed management committee with other existing water management programs (e.g., groundwater). Coordination and integration of local efforts related to ground and surface water is strongly encouraged. If a joint groundwater and watershed management program is established, the county shall be the lead agency for the joint program in accordance with the requirements of chapter 173-100 WAC.

(3) Exceptions. When the watershed is wholly or mostly within a city, state park, Indian reservation, or other jurisdictional area, the entity with jurisdiction shall be the lead agency unless renegotiated. In multicounty watersheds, the county may agree on a temporary lead or may jointly convene the committee. If a joint groundwater and watershed management program is established, the county shall be the lead agency for the joint program, except if both the groundwater and watershed management plan areas are wholly or mostly within a city, then the city shall be the lead.

##### NEW SECTION

**WAC 400-12-410 WATERSHED MANAGEMENT COMMITTEES.** (1) Responsibilities. The watershed management committee shall be responsible for developing the watershed action plan. The use of consensus to make decisions is encouraged. In addition to the responsibilities identified in Parts Five, Six, and Seven of this chapter, the committee shall:

(a) Determine and record ground rules for conducting meetings, a decision-making process that is appropriate to the committee, and procedures for conflict resolution;

(b) Keep accurate records of attendance, minutes, and other committee business, and conduct meetings in accordance with the Open Public Meetings Act (chapter 42.30 RCW);

(c) Prepare a work plan, schedule, and budget for the development of the watershed action plan describing the roles and responsibilities of members of the committee as mutually agreed upon and a strategy for public participation consistent with this chapter;

(d) Regularly provide written information on action plan development to all local government legislative authorities, federal government entities with jurisdiction within the watershed, planning and health agencies with jurisdiction within the watershed, tribes in the watershed, and the public and affected parties;

(e) Ensure that the action plan is technically and functionally sound;

(f) Verify that the action plan is consistent with the requirements of this chapter and with the respective authorities of affected jurisdictions;

(g) Provide and encourage public review and involvement in the planning process; and

(h) Ensure that federal agencies, pursuant to 33 USC Section 1323, and local entities, and state agencies that either have jurisdiction over any property or facility, or are engaged in any activity resulting in

nonpoint pollution in the watershed, are aware of their responsibility to comply with local requirements for pollution control.

(2) Membership. The watershed management committee process shall be structured to include the participation of local government agencies and their legislative representatives, special purpose districts, tribes, watershed residents, and affected parties. Appropriate state and federal agencies shall also be represented if the watershed includes state or federal lands. Membership on watershed management committees in multicounty watersheds shall represent the same interests as those in single-county watersheds, and there shall be a single public involvement process which ensures that interested and affected parties throughout the watershed are involved.

(3) Formation. The lead agency shall notify by letter all local governments (including special purpose districts) and Indian tribes with jurisdiction in the watershed, inviting them to participate on the watershed management committee. This initial committee, in consultation with affected parties, shall select a committee size and structure that provides for balanced representation based on the nonpoint sources in the watershed. Representatives of the general public and affected parties shall be included on the watershed management committee, on a separate advisory committee, or both. The lead agency shall publicize the formation of the watershed management committee and may select a deadline for the recruitment period to end. When determined appropriate by the committee, at any time during the planning process, the lead agency may seek additional members from affected parties and appropriate local, state, and federal agencies.

(4) Within ninety days from the effective date of its agreement with the department, the lead agency shall convene the watershed management committee and the committee shall agree on a decision-making process in accordance with WAC 400-12-410 (1)(a).

##### NEW SECTION

**WAC 400-12-420 IDENTIFICATION OF PLANNING AND IMPLEMENTING AGENCIES.** The watershed management committee shall identify local, state, and/or federal planning and potential implementing agencies for each nonpoint source to be managed, making use of existing institutional structures. Representatives of these agencies shall either be on the watershed management committee or be consulted by the committee in developing and implementing the watershed action plan. The committee is encouraged to make use of technical advice from these agencies and others as appropriate.

#### PART FIVE WATERSHED ACTION PLANNING PROCESS

##### NEW SECTION

**WAC 400-12-500 OVERVIEW.** The watershed action plan shall describe a coordinated program of effective actions to be implemented to prevent and abate nonpoint source pollution within the watershed. This is to be accomplished through local programs that define nonpoint source problems and identify achievable and measurable means to maintain or improve water quality and protect beneficial uses. Watershed action plans are to be developed in three phases, each requiring public involvement and consultation with implementing entities and agencies. Watershed action plans may vary in content depending on water quality problems identified in the watershed. Implementing entities are strongly encouraged to develop and implement actions to prevent nonpoint source pollution during the planning process. Corrective actions must be commenced as soon as resources can be made available while planning is proceeding.

##### NEW SECTION

**WAC 400-12-510 PHASE I—NONPOINT SOURCES OF POLLUTION—DESCRIPTION AND PROGRAM GOALS.** (1) Purpose. The purpose of this section is to establish procedures for describing and evaluating existing information related to nonpoint source problems and controls in the watershed and developing goals and objectives.

(2) Water quality assessment—Intent and requirements.

(a) Intent. The intent of the water quality assessment is to provide the watershed management committee, other decision-making bodies, and the public with the most accurate current information practicable on the types of nonpoint sources in priority watersheds and their relative impacts on water quality and beneficial uses of the water resource. This information is to be used as an integral part of the development

and implementation of preventive and corrective nonpoint source management programs in watershed action plans and to evaluate the effectiveness of these programs.

(b) Preparation. Preparation of the water quality assessment shall be at the direction of the watershed management committee and developed through cooperative efforts among the planning and implementing entities involved.

(c) Content. The water quality assessment shall include baseline and long-term information on water quality, habitat, and biological resources related to the land use activities in the watershed. The baseline water quality assessment shall provide sufficiently detailed information on existing water quality, habitat, and biological conditions, within the resources available, for the watershed management committee to prepare the watershed problem definition in accordance with subsection (4) of this section and the source control strategies in accordance with Part Six of this chapter. The baseline water quality assessment shall use available existing information from local, state, and federal sources and special surveys where needed, in accordance with (c)(ii) of this subsection.

The long-term water quality assessment is to evaluate the water quality and habitat-related criteria identified in the program evaluation for each source control strategy developed pursuant to Part Six of this chapter and the plan evaluation described in WAC 400-12-520 (3)(g). Information collected from the long-term water quality assessment shall be reported to the evaluating body in accordance with the schedule specified in the plan evaluation process, WAC 400-12-520 (3)(c).

The long-term water quality assessment shall use procedures and methodology approved by the department prior to implementation for collecting, managing, and analyzing sampling data. Information that is to be provided by the committee to the department includes: The types of samples to be collected; field data collection schedules and procedures; procedures for source location and evaluation when water quality violations occur; the certified laboratory, if available, being used; the data management plan; location(s) and person(s) responsible for data; and schedule for submittal of data.

Baseline and long-term water quality assessments for watershed action plans shall:

(i) Be tailored to the specific land uses in the watershed including, but not limited to: Residential, commercial, and industrial activity; forest practices; agricultural practices; and other uses that may be nonpoint sources;

(ii) Include special studies:

(A) Where the accuracy of existing information needs to be verified;

(B) Where there are data gaps in describing the relationship between a nonpoint source and the degradation or potential degradation of a beneficial use; or

(C) To assess water quality conditions. Field data collection techniques are intended to emphasize visual evaluations of land use activities, conditions of the water resource, and habitat in addition to conventional water quality sampling;

(iii) Be coordinated with the:

(A) "208" Water Quality Management Plans in agricultural areas;

(B) State-wide forest practices program in forested areas;

(C) Department when sampling for pesticides; and

(D) State parks and recreation commission in the vicinity of marinas;

(iv) Utilize citizens in collecting assessment data, where practical; and

(v) Be reported to the watershed management committee in a summarized and consolidated manner so the problems and trends can be easily understood.

Information which is desirable but cannot be provided shall be so noted.

(3) Watershed characterization. Using existing information and information from the water quality assessment prepared in accordance with subsection (2) of this section, the watershed management committee shall prepare a characterization of the watershed which includes, but is not limited to, (a) through (e) of this subsection. Information that is desirable but not available shall be specified.

(a) A general biophysical description of the study area including a discussion of the (i) topography; (ii) geology; (iii) climate; (iv) existing population; (v) water use; (vi) water quality trends; (vii) existing land use patterns (including a generalized land use map) and anticipated population and land use trends; and (viii) applicable current federal, state, and local water quality plans;

(b) A map delineating the planning area boundaries and the justification for any changes in boundaries from those submitted in the watershed ranking process. Where a joint plan with a groundwater management program is being prepared, the boundaries of the groundwater management planning area shall be included;

(c) A map showing the jurisdictional boundaries of the potential implementing local, state, federal, and tribal governments and entities in the watershed;

(d) A base map of natural and constructed freshwater bodies in the plan area including rivers, streams, creeks, lakes, other drainages, and wetlands, showing their relationship to Puget Sound and its associated saltwater wetlands;

(e) References including sources of data, methods, and accuracy of measurements, including documentation for any computer models.

(4) Problem definition. Using existing information and information from the water quality assessment prepared in accordance with subsection (2) of this section, the committee shall prepare a description of the extent of the nonpoint source water quality problems in the planning area including, but not limited to, (a) through (f) of this subsection. Information that is desirable but unavailable shall be specified:

(a) The beneficial uses for the water bodies and/or stream segments impaired or threatened by nonpoint pollution and the extent of the impairment or threat;

(b) The extent that water quality standards in the various water bodies, as specified in chapter 173-201 WAC, are not being met;

(c) Impacts of nonpoint sources on groundwater;

(d) Categories and subcategories of sources or potential sources of nonpoint pollution that threaten or impair beneficial uses or contribute to water quality degradation in each water resource identified in (a), (b), and (c) of this subsection. All potential sources must be evaluated including, but not limited to, agriculture, forestry, mining, construction and other land clearing, boats and marinas, landfills, and any other source or potential source in the watershed. The general location of significant point sources and their effects on water quality shall also be evaluated and reported;

(e) Wetlands affected or threatened by nonpoint sources; and

(f) A summary of the assessment of local programs, policies, and ordinances which affect water quality prepared in accordance with WAC 400-12-810.

(5) Goals and objectives. The committee shall prepare a statement of water quality goals and objectives, involving the public and affected parties through consultations, public meetings, or document review. At a minimum, the goals and objective statement shall provide for:

(a) Identifying the desired results for correcting and preventing the nonpoint pollution sources addressed in subsection (4) of this section;

(b) Achieving and enhancing water quality pursuant to chapter 173-201 WAC and chapter 90.48 RCW;

(c) Restoring and maintaining beneficial uses; and

(d) Consistency with the intent of this chapter and the guidance in Section 319 of the Federal Clean Water Act.

(6) The committee shall conduct sufficient public meetings for review of the materials developed in this phase, including the water quality assessment, watershed characterization, problem definition, and goals and objectives statement, to provide adequate opportunity for public input on its content. The department shall be included in the document review.

#### NEW SECTION

WAC 400-12-520 PHASE 2—DRAFT PLAN DEVELOPMENT. The watershed management committee shall, at a minimum, prepare the following to develop the watershed action plan:

(1) Description and ranking of source strategies. The specific source controls and other measures proposed for each nonpoint source category and subcategory in the watershed shall be described in accordance with the provisions of the source control program requirements of Part Six of this chapter. In addition, the committee shall rank the priorities among these programs in relation to their effect on achieving water quality and protecting beneficial uses in the watershed.

(2) Plan rationale. The rationale for choosing each source control strategy shall be discussed, as well as the reasons for not addressing any source identified in Part Six of this chapter;

(3) Implementation plan. A plan for implementing each source control strategy shall be developed, including:

(a) A description of the specific actions required by each implementing agency and local government including federal compliance requirements, pursuant to Section 313 of the Federal Clean Water Act;

(b) A means of coordinating activities among source control strategies;

(c) A schedule that includes annual milestones for implementing preventive and corrective measures;

(d) Provisions for public involvement in preparation and adoption of plans, policies, or ordinances;

(e) Estimated implementation costs;

(f) An analysis of existing and potential funding sources, including local sources and assistance which may be provided under Section 319 (h) and (i) of the Federal Clean Water Act in implementation; and

(g) A method of evaluating the effectiveness of the action plan which includes:

(i) A compilation of evaluation criteria and procedures developed for each source control program in accordance with Part Six of this chapter;

(ii) The role of the long-term water quality assessment information developed pursuant to WAC 400-12-510(2);

(iii) A process for making revisions in accordance with WAC 400-12-710; and

(iv) Procedures for reporting the results of the evaluations to the department.

(4) Public involvement. The watershed management committee shall conduct sufficient document review, public notification, and public meetings on the materials developed in this phase, including the source control strategies, plan evaluation, and plan implementation strategy, to provide adequate opportunity for public input on its content. The department shall be included in the document review.

#### NEW SECTION

WAC 400-12-530 PHASE 3—PLAN SUBMITTAL AND APPROVAL. (1) Preliminary review. Upon completion of any revisions to the action plan from the public involvement processes, the watershed management committee shall forward the draft of the watershed action plan, containing the information developed in WAC 400-12-510 and 400-12-520, to the lead agency. The lead agency shall promptly submit the draft action plan and SEPA documents to the department and the planning and implementing entities for preliminary review. Not more than thirty days from receipt of the draft action plan, the planning and implementing entities shall provide their comment on the draft plan to the lead agency concerning the plan's technical and economic feasibility and consistency with local plans and ordinances. The lead agency shall consolidate the results of the local reviews and present them to the watershed management committee. The watershed management committee shall consider recommended revisions and make changes to the draft action plan as necessary. Within this thirty day time frame, the department shall review the draft action plan for consistency with this chapter and other applicable state and federal rules. Where the draft action plan contains a forest practices management strategy, the department of natural resources shall be notified by the department. The department of natural resources shall coordinate with the state-wide forest practices program and submit comments to the watershed management committee through the department, concerning the action plan forest practices management strategy related to:

(a) The effectiveness of the proposed strategy;

(b) The ability of the state-wide forest practices program to provide resources to address needed actions; and

(c) The consistency with the state-wide forest practices program. The department shall meet with the watershed management committee at the earliest possible date to discuss their comments from the preliminary review.

(2) Local approval. The watershed management committee shall, in conjunction with local implementing entities, conduct a joint public hearing for the purpose of taking public testimony on the draft action plan, immediately following preparation of any revisions resulting from the preliminary review. Not more than thirty days from the joint public hearing, local implementing entities shall provide the watershed management committee with statements indicating approval by the legislative body on the portion(s) that applies to that entity and their intent to enact implementing policies, ordinances, and programs as necessary when the action plan is approved by the department. The plan shall be submitted to the department within the required time frame specified in this section, while the watershed management committee resolves statements of nonconcurrence.

(3) Committee action following local approval. The lead agency shall consolidate the results of the local approval process and present it to the watershed management committee for final revisions. Not later

than thirty days following the local approval process, the committee shall forward the draft action plan to the lead agency to verify that the local review and approval processes were conducted in accordance with the procedures of this chapter. The lead agency shall promptly submit a record of these actions with the draft action plan to the department for final review and approval.

(4) Ecology approval process. Not more than sixty days from receipt of the final draft action plan, the department shall notify the watershed management committee of its decision in writing. The department may approve or reject all or any portion of the final draft action plan. Implementation of approved portions may proceed while other portions are pending. To approve all or part of an action plan, the department must conclude that:

(a) The action plan is consistent with these rules;

(b) The action plan is consistent with the goals and requirements of the plan;

(c) Adequate implementation authority exists and the implementation plan is adequate to achieve and enhance water quality, protect beneficial uses, and control nonpoint sources of pollution;

(d) Adequate public involvement and participation has occurred in action plan development and adequate public involvement is provided for in action plan implementation; and

(e) The plan complies with applicable state and federal laws.

#### NEW SECTION

WAC 400-12-540 PLAN IMPLEMENTATION. (1) Within thirty days of approval of the watershed action plan, the lead agency shall notify all appropriate federal and state agencies, local entities, and affected parties of such approval.

(2) Following formal approval of the action plan by the department, affected local entities shall carry out the implementation provisions of the approved watershed action plan that are within their respective authorities, in accordance with the implementation schedule. Affected local governments and federal and state agencies with jurisdiction in the watershed shall be guided by the action plan in developing and approving all studies, plans, permits, and facilities in the watershed.

(3) Within one year of final approval of the action plan, the department shall review progress on plan implementation and take appropriate action to ensure the plan is being carried out as approved.

#### NEW SECTION

WAC 400-12-550 SEPA REVIEW. The draft watershed action plan, subsequent amendments, and implementation actions of the action plan shall be subject to review pursuant to the State Environmental Policy Act, chapter 43.21C RCW, as required under the applicable state and local implementing regulations.

### PART SIX SOURCE CONTROL PROGRAMS

#### NEW SECTION

WAC 400-12-600 GENERAL PROVISIONS. (1) Overview. This part identifies the major sources of nonpoint pollution which the watershed management committee shall address with a source control program in the watershed action plan when an existing or potential nonpoint source of pollution is identified as significant. When a source is not identified in a watershed, a control program for that source need not be included in the action plan.

(2) General requirements. In developing the source control program, the watershed management committee recommendations and decisions shall:

(a) Be subject to consultations, public meetings, or workshops;

(b) Be integrated, to the extent possible, with current water quality management plans including local, state, federal, and tribal plans;

(c) Be consistent with the intent of this chapter;

(d) Be consistent with the goals and objectives statement, developed pursuant to WAC 400-12-510(5);

(e) Be evaluated in terms of their technical feasibility; legality; ability of affected entities to implement; ability to achieve and maintain or improve water quality; ability to restore and maintain beneficial uses; effects or potential adverse effects on groundwater quality; ability to control sources and apply known, available, and reasonable treatment; and consistency with local comprehensive plans and other state, federal, or tribal water quality management programs;

(f) Identify long-term water quality assessment needs in accordance with WAC 400-12-510(2).

(g) Incorporate strategies to prevent and correct the problems identified in WAC 400-12-510(4); and

(h) Coordinate with related federal, state, and local watershed programs including, but not limited to, those involving groundwater, wetlands, stormwater, shellfish, fisheries, household hazardous wastes, flood control, and others as appropriate.

#### NEW SECTION

**WAC 400-12-610 AGRICULTURAL PRACTICES.** (1) Intent. The intent of this section is to minimize sources of pollution, protect beneficial uses, and achieve or enhance water quality. The focus is on strong prevention and correction programs using the 208 water quality program; incentives; public education; farm water quality management plans, including the use of best management practices on farms; and other appropriate measures.

(2) Program content. In addition to the provisions identified in WAC 400-12-600, the watershed management committee shall consider the following factors including, but not limited to:

- (a) Runoff from animal confinement areas;
- (b) Overflow or seepage from manure storage facilities;
- (c) Uncontrolled animal access to streams;
- (d) Overgrazing of pastures;
- (e) Excessive or inappropriately timed manure application;
- (f) Cropland erosion;
- (g) Pesticide and fertilizer application practices;
- (h) An inventory of farms with and without implemented farm water quality management plans; and
- (i) Other elements as appropriate. At a minimum, the agricultural management strategy shall contain:

(i) A priority list of agricultural practices rated according to the severity of their threat to beneficial uses and their effects on water quality, prepared in consultation with the local conservation district;

(ii) A prevention element that includes:

(A) An education program informing the general public, and particularly the agricultural community, about:

(I) Nonpoint pollution associated with agricultural activities;

(II) Local, state, and federal water quality management programs, including the "208" Water Quality Management Plans, and the availability and applicability of farm water quality planning assistance for all types of farms; and

(III) The technical assistance, financial assistance, and other incentives available; and

(B) Provisions for the local conservation district to review the implementation of farm water quality management plans;

(iii) A voluntary corrections element that includes:

(A) Provisions for farm operators to voluntarily participate in a program to improve agricultural practices that may contribute to water quality degradation. Use of farm water quality management plans is the preferred management tool for action plans;

(B) Additional voluntary measures necessary to increase the effectiveness of the "208" Water Quality Management Plans, the use of farm water quality management plans by all types of farms, or other applicable state or local water quality management plans;

(iv) Special consideration to address problems caused by non-commercial farms;

(v) Financial or resource incentives that can be made available to encourage agricultural operators to participate in prevention and correction programs;

(vi) A compliance and enforcement element that includes, but is not limited to:

(A) Adherence to the enforcement provisions of the "208" Water Quality Management Plans; and

(B) Procedures by which the local conservation district and the department coordinate their efforts to expeditiously achieve compliance with water quality standards.

(vii) Compliance with the Federal Clean Water Act and PL 92-500 (with amendments in PL 100-4); the "208" Water Quality Management Plans; and other applicable state and local water quality laws, regulations, and plans;

(viii) Program evaluation that includes criteria to evaluate the success of the agricultural management strategy in preventing and correcting water quality impacts and protecting beneficial uses, and a specified time frame in which the objectives are to be achieved. If the program does not meet these objectives within the time specified, the watershed management committee shall consider appropriate changes

in the program, including whether it is necessary to develop regulatory components where voluntary elements were ineffective, subject to the exemption in subsection (3) of this section.

(3) Any farm which has implemented an approved farm water quality management plan, as agreed upon by the operator and the conservation district board of supervisors, shall be exempt from further animal keeping/pasture management regulation unless there is a water quality violation pursuant to chapters 90.48, 90.52, or 90.54 RCW and/or degradation of water quality in the stream segment, stream segment immediately downstream of the farm, or water body where the farm is located. In such cases where the violation cannot be attributed to a specific farm or farms, all pollution sources potentially contributing to the violation shall be surveyed and evaluated and the appropriate action taken after consultation with any affected farm operators.

(4) The agricultural management strategy may include regulatory measures, subject to the exemption in subsection (3) of this section.

#### NEW SECTION

**WAC 400-12-620 ON-SITE SEWAGE DISPOSAL.** (1) Intent. The intent of the on-site sewage disposal management strategy is to minimize sources of pollution, protect beneficial uses, achieve and maintain water quality, and satisfy existing laws and regulations. This is to be achieved through preventive and remedial measures consisting of regulation, education, system maintenance, and correction of failing systems.

(2) Program content. In addition to the provisions identified in WAC 400-12-600, the watershed management committee shall, at a minimum, ensure that the following elements are integral parts of the on-site sewage system management strategy:

(a) A problem definition identifying the geographic areas within the watershed with existing and potential low, moderate, and high risk of on-site sewage system failure. Areas where at least ten percent of the on-site sewage systems are failing, or where soil and site conditions are especially sensitive to the use of such systems, are considered high-risk areas. An explanation of the criteria used to establish these categories of risk shall be included;

(b) A prevention and correction program which includes:

(i) Provisions requiring that siting, design, and installation of all new systems are in accordance with chapter 248-96 WAC;

(ii) In high-risk areas, required use of alternative systems designed in a manner consistent with site conditions, and which provide greater removal of microorganisms and nutrients than do conventional systems;

(iii) Provisions for ongoing operation and regular maintenance of new and existing systems in high-risk areas through septic system maintenance districts or other acceptable means that ensure proper functioning of systems in the area over the long term;

(iv) Provisions for periodically informing users of on-site sewage systems in low-risk to moderate-risk areas of the need for continued system maintenance;

(v) Remedial programs wherein failing systems shall be repaired or replaced with systems that meet the intent of chapter 248-96 WAC. If located in a high-risk area, systems required in the prevention program shall be used; and

(vi) An education program informing those who service and those serviced by on-site sewage systems about: The basic principles of operating an on-site sewage system; the importance of siting, designing, installing, operating, and maintaining the system to reduce the potential for ground/surface water contamination; local and state public health requirements; available alternative systems; and available financial assistance for remedial actions;

(c) Program evaluation that includes criteria to evaluate the success of the on-site sewage disposal management strategy in preventing water quality degradation and protecting beneficial uses and a specified time frame in which the stated objectives are to be achieved. If the program does not meet these objectives within the time specified, the watershed management committee shall consider appropriate revision including the need for regulatory provisions where voluntary approaches were ineffective.

#### NEW SECTION

**WAC 400-12-630 URBAN STORMWATER AND EROSION.**

(1) Intent. The urban stormwater and erosion program is intended to enhance local action toward minimizing sources of pollution, protecting

beneficial uses, and achieving and enhancing water quality. Local efforts are to be directed at evaluating existing problems, educating the public, and using best management practices to control pollutants and erosion and to manage the quality and quantity of stormwater runoff.

(2) Program content. The watershed management committee shall develop a stormwater and erosion control strategy which shall consider program elements SW-1, SW-2, SW-3, and SW-4 described in the plan, and at a minimum, includes:

(a) An evaluation of existing drainage and erosion control ordinances, policies, and programs to determine their effectiveness in:

- (i) Controlling erosion and managing the quality and quantity of stormwater runoff from public and private uses and activities;
- (ii) Achieving and enhancing water quality;
- (iii) Minimizing sources of pollution; and
- (iv) Protecting beneficial uses;

(b) A ranked list of the most significant types of stormwater and erosion problems in the urban and urbanizing areas as determined by the severity of their threat to public health and beneficial uses and explanation of the criteria used to complete the ranking;

(c) A ranked list of the stormwater and erosion problems for which monitoring information is needed;

(d) A prevention and correction program that includes:

(i) Public education to inform groups or individuals whose activities can result in sources of urban stormwater and erosion. The information is to identify the pollution problems associated with stormwater in urban and urbanizing areas, including household hazardous wastes, pet wastes, commercial operations that may generate substantial quantities of animal feces or hazardous wastes such as cleaning services, kennels, breeders, and automotive repair services and service stations; applicable local and state requirements and developing programs; and effective methods that can be used to manage the problems above the ground, including use of available best management practices;

(ii) A training program for field staff of public entities whose activities may affect water quality or who are responsible for inspecting private actions, including road construction and maintenance crews, zoning and drainage inspectors, and others as appropriate, informing them of the adverse effects of pollutants and sediment in stormwater on water quality, habitat, and plants and animals; applicable local and state laws and requirements; and the individuals or agencies to contact for enforcement compliance and spill response;

(iii) Measures for maintenance of existing and new public and private storm drainage, conveyance, and detention systems to ensure function as designed, and to remove accumulated sediments and contaminants;

(iv) Procedures to manage the storm drainage system maintenance activities, identified in (d)(iii) of this subsection, in relation to cleanup, transport, and disposal of waste materials;

(v) A spill response program for small quantities of petroleum products and pesticides;

(vi) Provisions for managing stormwater quality in developing regional stormwater facilities; and

(vii) Measures which require the use of above-ground storage treatment and conveyance of stormwater on the site, where practical, and use of available best management practices, especially in urbanizing areas where changes or trends in land use in the next five years can potentially cause water quality deterioration;

(e) Coordination with the local household hazardous waste plans, pursuant to chapter 70.105 RCW;

(f) Compliance with the provisions of the National Flood Insurance Program, CFR 44 Parts 59 and 60 and chapter 86.16 RCW, Flood plain management.

(3) Additional regulatory provisions for managing stormwater and erosion may be developed provided that such regulations are consistent with the intent of federal and state statutes and the plan.

#### NEW SECTION

WAC 400-12-640 FOREST PRACTICES. (1) Intent. The intent of this section is to minimize pollution sources, achieve and maintain water quality, and protect beneficial uses. This is to be achieved by assuring that local actions to prevent and correct nonpoint source problems are coordinated with the state-wide forest practices program.

(2) Program content. The watershed management committee shall incorporate provisions in the forest practices management strategy to prevent and correct nonpoint source pollution from private-, state-, or federal-owned lands in the watershed in relation to: Preharvest planning, road construction and maintenance, orphaned roads, stream degradation, steep and unstable slopes, other situations where corrective

actions are needed, application of pesticides, and other problems as identified. At a minimum, the strategy shall provide:

(a) A ranked list of impacts resulting from forest practices rated according to the severity of their threat to beneficial uses and public resources and an explanation of the criteria used in the ranking;

(b) Coordination with the U.S. Forest Service, and other federal entities when federal lands are involved, and with the state-wide forest practices program in all other cases;

(c) A public education program, coordinated with the department of natural resources, to inform those involved in, and those affected by forest practices activities about the availability of technical assistance from the state-wide forest practices program and its management requirements;

(d) Procedures to assure that the requirements of the Forest Practices Act for land use conversions are implemented consistently by all jurisdictions in the watershed, in order to assure that forest land owners in the process of converting land, and future owners of these lands, will be implementing local land use ordinances and/or water quality plans, erosion control provisions, and other ordinances and procedures pursuant to WAC 222-20-020 and RCW 76.09.060;

(e) Procedures for notifying the department when enforcement is required under WAC 222-12-070;

(f) Procedures for assuring consistency among local jurisdictions in the watershed in:

(i) Carrying out the forest practices provisions in WAC 222-50-020(3) relating to the Shoreline Management Act; and

(ii) In their review of forest practices pursuant to RCW 76.09.040 and 76.09.050;

(g) Procedures for coordinating a long-term water quality assessment program with the state-wide forest practices program.

#### NEW SECTION

WAC 400-12-650 MARINAS AND BOATS. (1) Intent. The intent of this section is to minimize pollution sources to achieve and enhance water quality through coordinated public education efforts, directed at marina operators and the boating public, and needed shoreside regulation.

(2) Program content. The strategy to address marinas and boats shall include:

(a) Provisions for coordinating with the programs of the state boaters task force and state parks and recreation commission;

(b) In coordination with the boaters task force, an education program to inform marina operators and the boating public about:

(i) Water quality problems from nonpoint source pollution caused by boating activities;

(ii) Applicable federal and state programs; and

(iii) The methods available to improve on-board sanitation and marina sewage facilities.

(3) Measures may be developed to require shoreside sewage disposal facilities at marinas; regulation of waste discharges from liveboards, including mandatory sewer hook-ups; and requirements for storage, use, and disposal of hazardous materials such as fuels, paints, and solvents.

#### NEW SECTION

WAC 400-12-660 OTHER SOURCES. (1) Intent. The intent of this section is to minimize nonpoint pollution sources, protect beneficial uses, and achieve and enhance water quality through corrective and preventive measures for nonpoint sources or pollutants which pose special source problems in a watershed.

(2) Program content. The watershed management committee shall develop a management strategy which incorporates the provisions identified in WAC 400-12-600, for the following nonpoint sources or pollutants when they have been identified in the watershed:

(a) Pesticides. The management strategy shall, at a minimum, contain:

(i) Provisions which recognize the state preemption to regulate pesticides pursuant to chapter 16-228 WAC and chapter 17.21 RCW;

(ii) An education program coordinated with the cooperative extension service and the state department of agriculture to inform the general public, especially frequent users of pesticides, about the potential water quality problems associated with improper use and disposal of pesticides and pesticide containers; the applicable regulations; and less-toxic alternatives, including integrated pest management practices; and

(iii) Other appropriate actions;



(b) Landfills, mines, sand and gravel pits. The management strategy shall, at a minimum, contain:

(i) Measures that local governments can incorporate into their permitting processes to minimize sediment, turbidity, particulates, and leachates from past and proposed mining and excavation activities;

(ii) An education program to inform those engaged in landfill and resource excavation activities about the potential water quality problems associated with these operations, existing applicable regulations, and effective methods to reduce erosion and leachates from these activities; and

(iii) Other appropriate actions;

(c) Septage. All aspects of the septage management strategy shall be coordinated with the local agency administering the regulations pursuant to chapter 173-304 WAC. Minimal functional standards for solid waste handling. The management strategy shall include an education program to inform those involved in the storage, transport, or processing of septage about the potential water quality problems associated with these operations, existing applicable regulations, and effective methods for minimizing nonpoint pollution from these activities. Information which is gathered concerning activities associated with the storage, transport, or processing of septage shall be reported to the local agency administering chapter 173-304 WAC;

(d) Contaminated sites. Sites which may be contaminated from past disposal practices shall be reported to the department when they are identified;

(e) Other nonpoint sources. Strategies for other nonpoint sources identified shall be developed by the watershed management committee.

#### PART SEVEN PLAN COMPLIANCE

##### NEW SECTION

WAC 400-12-700 RESPONSIBILITY OF IMPLEMENTING ENTITIES. Each local government and other implementing entity is responsible to the department for action plan implementation and to ensure that designated implementing agencies within their jurisdiction are meeting requirements of the action plan.

##### NEW SECTION

WAC 400-12-710 REVISIONS. Proposals to revise watershed action plans may be initiated by the watershed management committee or by the lead agency in concurrence with the watershed management committee. Such proposals shall be submitted to the department for approval. Revisions must be consistent with the provisions of this chapter and the plan. Public participation and review shall be conducted in accordance with the provisions of the approved action plan.

The department may require revision of the action plan if through biennial audits, as required by the plan, monitoring, or periodic reviews it determines that the implementation provision of the action plan, as described in WAC 400-12-520(3) is not being carried out as approved. Upon determining that an action plan needs revision, the department shall provide written notice to the lead agency identifying the provisions of the action plan needing modification, the reason the request is being made, and a determination as to whether the request involves a major or minor amendment to the action plan. In the case of a minor amendment, the lead agency shall draft revisions in consultation with affected implementing entities and the watershed management committee and forward these revisions to the department within forty-five days of receipt of the notice. If the request is for a major amendment, the lead agency shall convene the watershed management committee. The committee, in consultation with the department and affected implementing entities, shall prepare proposed revisions which the lead agency shall forward within sixty days of receipt of the notice to the executive and/or legislative authority of the affected implementing entities for formal action. The affected implementing entities shall notify the department of the result of the formal action on the revision within ninety days of their receipt of the proposed revisions from the watershed management committee.

##### NEW SECTION

WAC 400-12-720 DEFAULT PROCEDURE. If a local entity declines to rank its watersheds, and/or develop and/or implement any action plan for a priority watershed identified by the department as requiring an action plan and has not been granted an exception under WAC 400-12-730, the department shall rank the county watersheds

and/or prepare and/or implement a watershed action plan for the watershed.

##### NEW SECTION

WAC 400-12-730 EXCEPTIONS. The lead agency may request approval of an alternative to the procedures or action plan content provisions of this chapter when there are special circumstances particular to that lead agency or watershed. Such requests shall be made in writing to the department. The department may approve such an alternative provided the alternative is consistent with the intent of this chapter and the plan. Upon approval of an alternative, the department shall specify in writing agreed-upon schedules and milestones for achieving objectives with adequate opportunities for public involvement, and shall clearly state that a watershed action plan following the requirements of this chapter shall be required if the schedules and milestones are not achieved.

##### NEW SECTION

WAC 400-12-740 SEVERABILITY. If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.

#### PART EIGHT COUNTYWIDE PROGRAMS

##### NEW SECTION

WAC 400-12-800 LOCAL EVALUATIONS AND COUNTY-WIDE EDUCATION. (1) Intent. It is the intent of this part to establish criteria for local entities to evaluate the effect of existing programs on water quality and to implement countywide education programs to prevent and control nonpoint source pollution. These requirements are distinguished by their countywide application from those in Parts Four, Five, Six, and Seven of this chapter, which apply to priority watersheds only.

##### NEW SECTION

WAC 400-12-810 EVALUATION OF EXISTING LOCAL PROGRAMS. In accordance with program element NP-9 of the plan, each local government shall evaluate existing local programs, policies, and ordinances which have an effect, or potential effect, on water quality. The written report from this evaluation shall be submitted to the authority by June 1, 1988, for consideration in the 1989 plan revision. Analysis of local provisions shall include, but is not limited to: Planning documents, permitting programs, project review processes, and any special purpose ordinance. The following items shall be addressed in preparing this evaluation:

(1) Policy statements concerning water quality in land use plans and ordinances dealing with environmental issues, construction, site preparation, and excavation or mining of natural resources;

(2) Opportunities offered for public comment on water quality aspects of projects and the ways those public comments are used in decision making;

(3) The effectiveness of regulations for new on-site systems, including the soil types and other conditions under which they are permitted. Effectiveness in this case refers to protection of public health and water quality;

(4) The need for on-site system maintenance programs to protect both public health and water quality;

(5) The effectiveness of local enforcement programs for zoning, shoreline management, wetland protection, farm management practices, and health regulations affecting nonpoint pollution.

##### NEW SECTION

WAC 400-12-820 COUNTYWIDE EDUCATION PROGRAMS. (1) Intent. The intent of this section is to educate the public in each county about the sources of nonpoint pollution, their effects on water and other resources, and the means for preventing and controlling such pollution.

(2) Program content. Each county within the Puget Sound basin shall develop and begin implementing a public education program directed toward those who live, work, and recreate in the county, and focused on reducing and preventing nonpoint pollution throughout the

county. Educational activities and materials developed for this program shall emphasize the value of and need to protect beneficial uses of waters in the county and ways to reduce and control nonpoint sources that threaten those beneficial uses.

Nonpoint sources to be addressed shall include, but are not limited to: On-site sewage disposal, agricultural practices, stormwater and erosion, household hazardous wastes, and others as appropriate. At a minimum, the education plan is to include:

- (a) A five-year implementation program with provisions for:
  - (i) Education of farm operators in the first year about:
    - (A) Nonpoint pollution associated with agricultural activities;
    - (B) Local, state, and federal water quality management programs, including "208" Water Quality Management Plans; and
    - (C) The technical assistance, financial assistance, and other incentives available;
  - (ii) Educating the county residents, within the first two years, about the value of and need to protect beneficial uses of waters of the county; and
  - (iii) Educating the county residents about ways individuals can reduce nonpoint pollution and protect water resources;
  - (iv) Criteria and procedures to evaluate program success; and
  - (v) Periodic revisions to the program.
- (b) Participation of a wide variety of public and private sector individuals and groups in development and implementation of the program, such as educators; local health, public works, and planning agencies; tribes; media; the agricultural, environmental, business, and industrial communities; nonprofit groups; and the general public; and
- (c) Educational materials, activities, and information that:
  - (i) Foster a sense of stewardship toward local watersheds and Puget Sound and its resources, including an understanding of how individuals affect water quality and what individual and group actions can be taken to achieve and enhance water quality;
  - (ii) Utilize a variety of media including print, radio, and/or television as well as activities and strategies that involve citizens directly in improving and protecting water quality; and
  - (iii) Coordinate with and build upon existing education programs, such as those in action plans and those sponsored by schools, the cooperative extension service, conservation districts, or local health or public works departments.
- (3) Technical assistance. The authority and the department will inform counties about how to obtain materials and resources on related education efforts in other Puget Sound counties and will evaluate the effectiveness of these programs.

**WSR 87-22-066**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed November 4, 1987]

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

Amd ch. 173-405 WAC Kraft pulping mills.  
 Amd ch. 173-410 WAC Sulfite pulping mills.  
 Amd ch. 173-415 WAC Primary aluminum plants.

Add two new sections to each regulation that reference WAC 173-403-141, 173-403-145 and 173-403-080 on creditable stack heights and dispersion techniques, adjustments for atmospheric conditions, and prevention of significant deterioration. This is to validate the applicability of these requirements to pulp mills and aluminum plants;

that the agency will at 10:30 a.m., Wednesday, December 9, 1987, in the Offices of Air Programs, Rowsix, Building 4, 4224 6th Avenue S.E., Lacey, WA 98503, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 16, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 9, 1987.

Dated: November 3, 1987

By: Phillip C. Johnson  
 Deputy Director

**STATEMENT OF PURPOSE**

Title: Kraft pulping mills, chapter 173-405 WAC; Sulfite pulping mills, chapter 173-410 WAC; and Primary aluminum plants, chapter 173-415 WAC.

Description of Purpose: Validate the applicability of creditable stack height, dispersion techniques, and prevention of significant deterioration as stated in chapter 173-403 WAC for these three regulations.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: The sections establish stack height guidelines, prohibit variations of certain emission rates, and impose federal prevention of significant deterioration requirements.

Reasons Supporting Proposed Action: New requirements are not being imposed. This is for the clarification of applicability.

Agency Personnel Responsible for Drafting: Victor R. Feltin, Planner, (206) 867-7122; Implementation and Enforcement: Stuart Clark, Manager, (206) 459-6256.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

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

Small Business Economic Impact Statement: The proposed changes will impose no new requirements.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries, or more than 10 percent of the businesses in any one industry, be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposals cited above have been reviewed in light of this requirement. The proposed amendments to these regulations impose no new requirements and only validate the applicability of the referenced requirements. These requirements already exist.

CHAPTER 173-405 WAC  
 KRAFT PULPING MILLS

NEW SECTION

WAC 173-405-045 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES. The conditions of WAC 173-403-141 and WAC 173-403-145 shall apply to all sources covered by this chapter.

**NEW SECTION**

WAC 173-405-087 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). The conditions of WAC 173-403-080 shall apply to all new and modified sources covered by this chapter.

CHAPTER 173-410 WAC  
SULFITE PULPING MILLS

**NEW SECTION**

WAC 173-410-045 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES. The conditions of WAC 173-403-141 and WAC 173-403-145 shall apply to all sources covered by this chapter.

**NEW SECTION**

WAC 173-410-087 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). The conditions of WAC 173-403-080 shall apply to all new and modified sources covered by this chapter.

CHAPTER 173-415 WAC  
PRIMARY ALUMINUM PLANTS

**NEW SECTION**

WAC 173-415-045 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES. The conditions of WAC 173-403-141 and WAC 173-403-145 shall apply to all sources covered by this chapter.

**NEW SECTION**

WAC 173-415-051 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). The conditions of WAC 173-403-080 shall apply to all new and modified sources covered by this chapter.

**WSR 87-22-067**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning taxation of forest land and timber, amending sections of chapter 458-40 WAC;

that the agency will at 10:00 a.m., Wednesday, December 9, 1987, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 31, 1987.

The authority under which these rules are proposed is RCW 84.33.091.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 9, 1987.

Dated: November 4, 1987

By: John B. Conklin  
Assistant Director, Forest Tax

**STATEMENT OF PURPOSE**

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Tables for determination of stumpage values, amendatory sections WAC 458-40-660 and 458-40-670.

Purpose: To establish the values for reporting and payment of the timber excise tax levied by chapter 84.33 RCW.

Statutory Authority: Chapter 84.33 RCW, which directs the Department of Revenue to prepare tables of stumpage values before June 30 and December 31 of each year to be used for the six month periods thereafter.

Summary and Reasons for the Rule: The tables establish the value of stumpage for each species or subclassification of timber within designated areas having similar growing, harvesting and marketing conditions. These values are to be used for computing the timber excise tax due quarterly by timber harvesters upon timber harvested for sale or for commercial or industrial use during the period January 1, 1988, through June 30, 1988.

Drafters of the Rule: Gordon S. Gienty, (206) 586-2903, and Robert L. Smith, (206) 753-1385, 6004 South Capitol Boulevard, Tumwater, WA 98501; Rule Implementation and Enforcement: John B. Conklin, 6004 South Capitol Boulevard, Tumwater, WA 98501, (206) 753-2871.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

**AMENDATORY SECTION** (Amending Order 87-2, filed 6/30/87)

WAC 458-40-660 TIMBER EXCISE TAX—STUMPAGE VALUE TABLES. The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((July)) January 1 through ((December 31, 1987)) June 30, 1988:

((TABLE 1—Stumpage Value Table  
Stumpage Value Area 1  
July 1 through December 31, 1987

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$198	\$191	\$184	\$177	\$170
		2	174	167	160	153	146
		3	140	133	126	119	112
		4	139	132	125	118	111
		5	123	116	109	102	95
		6	94	87	80	73	66
Western Redcedar <sup>2</sup>	RC	1	278	271	264	257	250
		2	276	269	262	255	248
		3	154	147	140	133	126
		4	137	130	123	116	109
Sitka Spruce	SS	1	212	205	198	191	184
		2	195	188	181	174	167
		3	119	112	105	98	91
		4	109	102	95	88	81
		5	93	86	79	72	65
		6	86	79	72	65	58

**TABLE 1—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock <sup>3</sup>	WH	1	164	157	150	143	136
		2	121	114	107	100	93
		3	109	102	95	88	81
		4	96	89	82	75	68
		5	75	68	61	54	47
		6	66	59	52	45	38
Other Conifer	OC	1	164	157	150	143	136
		2	121	114	107	100	93
		3	109	102	95	88	81
		4	96	89	82	75	68
		5	75	68	61	54	47
		6	66	59	52	45	38
Red Alder	RA	1	39	32	25	18	11
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Alaska-cedar.

<sup>3</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 2—Stumpage Value Table**  
Stumpage Value Area 1  
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Timber Quality Code	Species Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table**  
Stumpage Value Area 2  
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER							
Stumpage Values per Thousand Board Feet Net Scribner Log Scale <sup>1</sup>							
Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$255	\$248	\$241	\$234	\$227
		2	208	201	194	187	180
		3	135	128	121	114	107
		4	135	128	121	114	107
		5	101	94	87	80	73
		6	84	77	70	63	56
Western Redcedar <sup>2</sup>	RC	1	238	231	224	217	210
		2	229	222	215	208	201
		3	153	146	139	132	125
		4	111	104	97	90	83
Sitka Spruce	SS	1	195	188	181	174	167
		2	190	183	176	169	162
		3	102	95	88	81	74
		4	95	88	81	74	67
		5	91	84	77	70	63
		6	86	79	72	65	58
Western Hemlock <sup>3</sup>	WH	1	153	146	139	132	125
		2	124	117	110	103	96
		3	111	104	97	90	83
		4	97	90	83	76	69
		5	88	81	74	67	60
		6	73	66	59	52	45
Other Conifer	OC	1	153	146	139	132	125
		2	124	117	110	103	96
		3	111	104	97	90	83
		4	97	90	83	76	69
		5	88	81	74	67	60
		6	73	66	59	52	45
Red Alder	RA	1	69	62	55	48	41
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Alaska-cedar.

<sup>3</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 4—Stumpage Value Table**  
Stumpage Value Area 2  
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS							
Stumpage Values per Product Unit							
Species Name	Timber Quality Code	Species Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	69	62	55	48	41

TABLE 4—cont.  
Stumpage Values per Product Unit

Species Name	Timber Quality Species Code	Hauling Distance Zone Number					
		Code Number					
		1	2	3	4	5	
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table  
Stumpage Value Area 3  
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			Code Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$243	\$236	\$229	\$222	\$215
		2	199	192	185	178	171
		3	195	188	181	174	167
		4	164	157	150	143	136
		5	153	146	139	132	125
		6	116	109	102	95	88
Western Redcedar <sup>3</sup>	RC	1	250	243	236	229	222
		2	248	241	234	227	220
		3	155	148	141	134	127
		4	118	111	104	97	90
Western Hemlock <sup>4</sup>	WH	1	139	132	125	118	111
		2	120	113	106	99	92
		3	105	98	91	84	77
		4	94	87	80	73	66
		5	73	66	59	52	45
		6	65	58	51	44	37
Other Conifer	OC	1	139	132	125	118	111
		2	120	113	106	99	92
		3	105	98	91	84	77
		4	94	87	80	73	66
		5	73	66	59	52	45
		6	65	58	51	44	37
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup> Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table  
Stumpage Value Area 3  
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Timber Quality Species Code	Hauling Distance Zone Number					
		Code Number					
		1	2	3	4	5	
Western Redcedar= Shake Blocks & Boards	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table  
Stumpage Value Area 4  
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			Code Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$217	\$210	\$203	\$196	\$189
		2	210	203	196	189	182
		3	150	143	136	129	122
		4	145	138	131	124	117
		5	104	97	90	83	76
		6	97	90	83	76	69
Western Redcedar <sup>3</sup>	RC	1	194	187	180	173	166
		2	172	165	158	151	144
		3	127	120	113	106	99
		4	123	116	109	102	95
Western Hemlock <sup>4</sup>	WH	1	161	154	147	140	133
		2	149	142	135	128	121
		3	116	109	102	95	88
		4	100	93	86	79	72
		5	74	67	60	53	46
		6	66	59	52	45	38
Other Conifer	OC	1	161	154	147	140	133
		2	149	142	135	128	121
		3	116	109	102	95	88
		4	100	93	86	79	72
		5	74	67	60	53	46
		6	66	59	52	45	38
Red Alder	RA	1	64	57	50	43	36
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25

**TABLE 7—cont:**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Hauling Distance Zone Number				
		1	2	3	4	5
Conifer Utility	CU	5	5	5	5	5

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Alaska cedar.  
<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 8—Stumpage Value Table**  
Stumpage Value Area 4  
July 1 through December 31, 1987

**WESTERN WASHINGTON SPECIAL FOREST PRODUCTS**  
Stumpage Values per Product Unit

Species Name	Species Code	Hauling Distance Zone Number				
		1	2	3	4	5

Western Redcedar Shake Blocks & Boards	RCS	1	\$178	\$171	\$164	\$157	\$150
--	-----	---	-------	-------	-------	-------	-------

Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	69	62	55	48	41
---	-----	---	----	----	----	----	----

Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
---	-----	---	------	------	------	------	------

Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
--	-----	---	------	------	------	------	------

True Fir & Other Christmas Trees	TFX	1	0.50	0.50	0.50	0.50	0.50
----------------------------------	-----	---	------	------	------	------	------

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

**TABLE 9—Stumpage Value Table**  
Stumpage Value Area 5  
July 1 through December 31, 1987

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Hauling Distance Zone Number					
		1	2	3	4	5	
Douglas-fir <sup>2</sup>	DF	1	\$229	\$222	\$215	\$208	\$201
		2	228	221	214	207	200
		3	182	175	168	161	154
		4	121	114	107	100	93
		5	112	105	98	91	84
		6	93	86	79	72	65
Western Redcedar <sup>3</sup>	RC	1	188	181	174	167	160
		2	166	159	152	145	138
		3	132	125	118	111	104
		4	121	114	107	100	93

**TABLE 9—cont:**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Hauling Distance Zone Number					
		1	2	3	4	5	
Western Hemlock <sup>4</sup>	WH	1	173	166	159	152	145
		2	168	161	154	147	140
		3	149	142	135	128	121
		4	112	105	98	91	84
		5	86	79	72	65	58
		6	78	71	64	57	50
Other Conifer	OC	1	173	166	159	152	145
		2	168	161	154	147	140
		3	149	142	135	128	121
		4	112	105	98	91	84
		5	86	79	72	65	58
		6	78	71	64	57	50
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Alaska cedar.  
<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 10—Stumpage Value Table**  
Stumpage Value Area 5  
July 1 through December 31, 1987

**WESTERN WASHINGTON SPECIAL FOREST PRODUCTS**  
Stumpage Values per Product Unit

Species Name	Species Code	Hauling Distance Zone Number				
		1	2	3	4	5

Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$178	\$171	\$164	\$157	\$150
---	-----	---	-------	-------	-------	-------	-------

Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	69	62	55	48	41
---	-----	---	----	----	----	----	----

Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
---	-----	---	------	------	------	------	------

Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
--	-----	---	------	------	------	------	------

True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50
---	-----	---	------	------	------	------	------

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table  
Stumpage Value Area 6  
July 1 through December 31, 1987

TABLE 13—Stumpage Value Table  
Stumpage Value Area 7  
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$100	\$94	\$88	\$82	\$76
Engelmann Spruce	ES	1	73	67	61	55	49
Lodgepole Pine	LP	1	62	56	50	44	38
Ponderosa Pine	PP	1	188	182	176	170	164
		2	107	101	95	89	83
Western Redcedar <sup>3</sup>	RC	1	137	131	125	119	113
True Firs <sup>4</sup>	WH	1	80	74	68	62	56
Western White Pine	WP	1	185	179	173	167	161
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	3	3	3	3	3

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$79	\$73	\$67	\$61	\$55
Engelmann Spruce	ES	1	56	50	44	38	32
Lodgepole Pine	LP	1	58	52	46	40	34
Ponderosa Pine	PP	1	145	139	133	127	121
		2	89	83	77	71	65
Western Redcedar <sup>3</sup>	RC	1	125	119	113	107	101
True Firs <sup>4</sup>	WH	1	67	61	55	49	43
Western White Pine	WP	1	156	150	144	138	132
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table  
Stumpage Value Area 6  
July 1 through December 31, 1987

TABLE 14—Stumpage Value Table  
Stumpage Value Area 7  
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table  
Stumpage Value Area 10  
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$117	\$111	\$105	\$ 99	\$ 93
		2	93	87	81	75	69
		3	70	64	58	52	46
Engelmann Spruce	ES	1	102	96	90	84	78
		2	89	83	77	71	65
		3	87	81	75	69	63
Lodgepole Pine	LP	1	112	106	100	94	88
		2	87	81	75	69	63
		3	76	70	64	58	52
Ponderosa Pine	PP	1	227	221	215	209	203
		2	125	119	113	107	101
		3	92	86	80	74	68
Western Redcedar <sup>3</sup>	RC	1	106	100	94	88	82
		2	104	98	92	86	80
		3	102	96	90	84	78
True Firs <sup>4</sup>	WH	1	98	92	86	80	74
		2	91	85	79	73	67
		3	85	79	73	67	61
Western White Pine	WP	1	291	285	279	273	267
		2	262	256	250	244	238
		3	117	111	105	99	93
Hardwoods	OH	1	23	17	11	5	†
Utility	CU	5	†	†	†	†	†

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table  
Stumpage Value Area 10  
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.))

TABLE 1—Stumpage Value Table  
Stumpage Value Area 1  
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$242	\$235	\$228	\$221	\$214
		2	213	206	199	192	185
		3	180	173	166	159	152
		4	167	160	153	146	139
		5	158	151	144	137	130
		6	131	124	117	110	103
Western Redcedar <sup>2</sup>	RC	1	395	388	381	374	367
		2	347	340	333	326	319
		3	203	196	189	182	175
		4	147	140	133	126	119
Sitka Spruce	SS	1	496	489	482	475	468
		2	199	192	185	178	171
		3	151	144	137	130	123
		4	93	86	79	72	65
		5	92	85	78	71	64
		6	63	56	49	42	35
Western Hemlock <sup>3</sup>	WH	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92
		5	94	87	80	73	66
		6	71	64	57	50	43
Other Conifer	OC	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92
		5	94	87	80	73	66
		6	71	64	57	50	43
Red Alder	RA	1	39	32	25	18	11
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Alaska-cedar.

<sup>3</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table  
Stumpage Value Area 1  
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	93	86	79	72	65



TABLE 2—cont.  
Stumpage Values per Product Unit

Species Name	Timber Quality		Hauling Distance Zone Number				
	Species Code	Code Number	1	2	3	4	5
	Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 4—Stumpage Value Table  
Stumpage Value Area 2  
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Timber Quality		Hauling Distance Zone Number				
	Species Code	Code Number	1	2	3	4	5
	Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$250	\$243	\$236	\$229
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table  
Stumpage Value Area 2  
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Code Number	Timber Quality		Hauling Distance Zone Number																																
			Quality	Code	1	2	3	4	5																												
			Douglas-fir	DF	1	\$261	\$254	\$247	\$240	\$233	2	228	221	214	207	200	3	209	202	195	188	181	4	181	174	167	160	153	5	127	120	113	106	99	6	106	99
Western Redcedar <sup>2</sup>	RC	1	299	292	285	278	271	2	290	283	276	269	262	3	164	157	150	143	136	4	123	116	109	102	95												
Sitka Spruce	SS	1	200	193	186	179	172	2	147	140	133	126	119	3	118	111	104	97	90	4	106	99	92	85	78	5	92	85	78	71	64	6	82	75	68	61	54
Western Hemlock <sup>3</sup>	WH	1	244	237	230	223	216	2	153	146	139	132	125	3	145	138	131	124	117	4	128	121	114	107	100	5	99	92	85	78	71	6	71	64	57	50	43
Other Conifer	OC	1	244	237	230	223	216	2	153	146	139	132	125	3	145	138	131	124	117	4	128	121	114	107	100	5	99	92	85	78	71	6	71	64	57	50	43
Red Alder	RA	1	69	62	55	48	41																														
Black Cottonwood	BC	1	56	49	42	35	28																														
Other Hardwood	OH	1	72	65	58	51	44																														
Hardwood Utility	HU	5	25	25	25	25	25																														
Conifer Utility	CU	5	8	8	8	8	8																														

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Alaska-cedar.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 5—Stumpage Value Table  
Stumpage Value Area 3  
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Code Number	Timber Quality		Hauling Distance Zone Number																																
			Quality	Code	1	2	3	4	5																												
			Douglas-fir <sup>2</sup>	DF	1	\$242	\$235	\$228	\$221	\$214	2	228	221	214	207	200	3	225	218	211	204	197	4	171	164	157	150	143	5	156	149	142	135	128	6	129	122
Western Redcedar <sup>3</sup>	RC	1	362	355	348	341	334	2	242	235	228	221	214	3	202	195	188	181	174	4	135	128	121	114	107												
Western Hemlock <sup>4</sup>	WH	1	266	259	252	245	238	2	247	240	233	226	219	3	131	124	117	110	103	4	102	95	88	81	74	5	87	80	73	66	59	6	79	72	65	58	51
Other Conifer	OC	1	266	259	252	245	238	2	247	240	233	226	219	3	131	124	117	110	103	4	102	95	88	81	74	5	87	80	73	66	59	6	79	72	65	58	51
Red Alder	RA	1	67	60	53	46	39																														
Black Cottonwood	BC	1	56	49	42	35	28																														
Other Hardwood	OH	1	72	65	58	51	44																														
Hardwood Utility	HU	5	25	25	25	25	25																														

**TABLE 5—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	8	8	8	8	8

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 6—Stumpage Value Table**  
Stumpage Value Area 3  
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	\$250	\$243	\$236	\$229	\$222
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Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	93	86	79	72	65
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Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
---	-----	---	------	------	------	------	------

Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50
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<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table**  
Stumpage Value Area 4  
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$333	\$326	\$319	\$312	\$305
		2	245	238	231	224	217
		3	215	208	201	194	187
		4	166	159	152	145	138
		5	136	129	122	115	108
		6	111	104	97	90	83
Western Redcedar <sup>3</sup>	RC	1	247	240	233	226	219
		2	233	226	219	212	205
		3	165	158	151	144	137
		4	139	132	125	118	111

**TABLE 7—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock <sup>4</sup>	WH	1	296	289	282	275	268
		2	186	179	172	165	158
		3	131	124	117	110	103
		4	129	122	115	108	101
		5	79	72	65	58	51
		6	74	67	60	53	46
Other Conifer	OC	1	296	289	282	275	268
		2	186	179	172	165	158
		3	131	124	117	110	103
		4	129	122	115	108	101
		5	79	72	65	58	51
		6	74	67	60	53	46
Red Alder	RA	1	64	57	50	43	36
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 8—Stumpage Value Table**  
Stumpage Value Area 4  
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$250	\$243	\$236	\$229	\$222
---	-----	---	-------	-------	-------	-------	-------

Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	93	86	79	72	65
---	-----	---	----	----	----	----	----

Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
---	-----	---	------	------	------	------	------

Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
--	-----	---	------	------	------	------	------

True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50
---	-----	---	------	------	------	------	------

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot.

**TABLE 9—Stumpage Value Table**  
Stumpage Value Area 5  
January 1 through June 30, 1988

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$370	\$363	\$356	\$349	\$342
		2	245	238	231	224	217
		3	201	194	187	180	173
		4	199	192	185	178	171
		5	123	116	109	102	95
		6	104	97	90	83	76
Western Redcedar <sup>3</sup>	RC	1	261	254	247	240	233
		2	199	192	185	178	171
		3	182	175	168	161	154
		4	148	141	134	127	120
Western Hemlock <sup>4</sup>	WH	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Other Conifer	OC	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 10—Stumpage Value Table**  
Stumpage Value Area 5  
January 1 through June 30, 1988

**WESTERN WASHINGTON SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks <sup>2</sup>	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts <sup>3</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

**TABLE 10—cont.**  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir & Other Christmas Trees <sup>5</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot.

**TABLE 11—Stumpage Value Table**  
Stumpage Value Area 6  
January 1 through June 30, 1988

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$110	\$104	\$98	\$92	\$86
Engelmann Spruce	ES	1	74	68	62	56	50
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	195	189	183	177	171
		2	121	115	109	103	97
Western Redcedar <sup>3</sup>	RC	1	139	133	127	121	115
True Firs <sup>4</sup>	WH	1	87	81	75	69	63
Western White Pine	WP	1	185	179	173	167	161
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 12—Stumpage Value Table**  
Stumpage Value Area 6  
January 1 through June 30, 1988

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

- <sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.
- <sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- <sup>4</sup>Stumpage value per lineal foot.

**TABLE 13—Stumpage Value Table**  
Stumpage Value Area 7  
January 1 through June 30, 1988

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$85	\$79	\$73	\$67	\$61
Engelmann Spruce	ES	1	76	70	64	58	52
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	148	142	136	130	124
		2	102	96	90	84	78
Western Redcedar <sup>3</sup>	RC	1	122	116	110	104	98
True Firs <sup>4</sup>	WH	1	79	73	67	61	55
Western White Pine	WP	1	167	161	155	149	143
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	16	16	16	16	16

- <sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup>Includes Western Larch.
- <sup>3</sup>Includes Alaska-cedar.
- <sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 14—Stumpage Value Table**  
Stumpage Value Area 7  
January 1 through June 30, 1988

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

- <sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.
- <sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- <sup>4</sup>Stumpage value per lineal foot.

**TABLE 15—Stumpage Value Table**  
Stumpage Value Area 10  
January 1 through June 30, 1988

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$170	\$164	\$158	\$152	\$146
		2	112	106	100	94	88
		3	77	71	65	59	53
Engelmann Spruce	ES	1	102	96	90	84	78
		2	78	72	66	60	54
		3	59	53	47	41	35
Lodgepole Pine	LP	1	112	106	100	94	88
		2	87	81	75	69	63
		3	69	63	57	51	45
Ponderosa Pine	PP	1	258	252	246	240	234
		2	242	236	230	224	218
		3	205	199	193	187	181
Western Redcedar <sup>3</sup>	RC	1	196	190	184	178	172
		2	123	117	111	105	99
		3	113	107	101	95	89
True Firs <sup>4</sup>	WH	1	122	116	110	104	98
		2	118	112	106	100	94
		3	73	67	61	55	49
Western White Pine	WP	1	311	305	299	293	287
		2	245	239	233	227	221
		3	236	230	224	218	212
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

- <sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup>Includes Western Larch.
- <sup>3</sup>Includes Alaska-cedar.
- <sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 16—Stumpage Value Table**  
Stumpage Value Area 10  
January 1 through June 30, 1988

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

- <sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.
- <sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**AMENDATORY SECTION** (Amending Order 87-2, filed 6/30/87)

WAC 458-40-670 **TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((July))~~ January 1 through ((December 31, 1987)) ~~June 30, 1988:~~

**TABLE 1—Harvest Adjustment Table**  
Stumpage Value Areas 1, 2, 3, 4, and 5

~~((July))~~ January 1 through ((December 31, 1987)) June 30, 1988

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00
<b>II. Logging conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	- <del>((11-00))</del> <u>\$9.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$22.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$99.00
<b>III. Remote island adjustment:</b>		
	For timber harvested from a remote island	-\$50.00
<b>IV. Thinning (see WAC 458-40-610 (20))</b>		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

**TABLE 2—Harvest Adjustment Table**  
Stumpage Value Areas 6, 7, and 10

~~((July))~~ January 1 through ((December 31, 1987)) June 30, 1988

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
<b>II. Logging conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	- <del>((15-00))</del> <u>\$13.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$26.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- <del>((13-00))</del> <u>\$99.00</u>
<b>III. Remote island adjustment:</b>		
	For timber harvested from a remote island	-\$50.00

**TABLE 3—DOMESTIC MARKET ADJUSTMENT**

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	- <del>((11-00))</del> <u>\$26.00</u> per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	- <del>((6-00))</del> <u>\$9.00</u> per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

**WSR 87-22-068**

**ADOPTED RULES**

**DEPARTMENT OF REVENUE**

[Order FT-87-3—Filed November 4, 1987]

I, William R. Wilkerson, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to taxation of forest land and timber, amending WAC 458-40-540.

This action is taken pursuant to Notice No. WSR 87-19-154 filed with the code reviser on September 23, 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 84.33.120 and 84.33.130 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED November 4, 1987.

By John B. Conklin  
Assistant Director, Forest Tax

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-540 PROPERTY TAX, FOREST LAND—FOREST LAND VALUES—((1987)) 1988. The true and fair values, per acre, for each grade of forest land for the ((1987)) 1988 assessment year are determined to be as follows:

((1987)) 1988 WASHINGTON FOREST LAND VALUES		
LAND GRADE	OPERABILITY CLASS	VALUE PER ACRE
1	1	\$((+35)) <u>126</u>
	2	((+30)) <u>121</u>
	3	((+25)) <u>117</u>
	4	((+1)) <u>85</u>
2	1	((+13)) <u>106</u>
	2	((+09)) <u>102</u>
	3	((+05)) <u>98</u>
	4	((76)) <u>71</u>
3	1	((89)) <u>83</u>
	2	((86)) <u>80</u>
	3	((83)) <u>78</u>
	4	((64)) <u>60</u>
4	1	((67)) <u>63</u>
	2	((65)) <u>61</u>
	3	((64)) <u>60</u>
	4	((56)) <u>47</u>
5	1	((49)) <u>46</u>
	2	((45)) <u>42</u>
	3	((44)) <u>41</u>
	4	((29)) <u>27</u>
6	1	((25)) <u>23</u>
	2	((24)) <u>22</u>
	3	((24)) <u>22</u>
	4	((22)) <u>21</u>
7	1	((+2)) <u>11</u>
	2	((+2)) <u>11</u>
	3	((+1)) <u>10</u>
	4	((+1)) <u>10</u>
8		1

**WSR 87-22-069**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Accountancy intends to adopt, amend, or repeal rules concerning:

New WAC 4-25-190 Experience.  
Rep WAC 4-25-181 Experience;

that the agency will at 9:00 a.m., Thursday, December 17, 1987, in the Tacoma City Council Chambers, 740 St. Helens, Tacoma, 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 18.04.055.

The specific statute these rules are intended to implement is RCW 18.04.215(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1987.

Dated: November 4, 1987

By: Carey L. Rader  
Chief Executive Officer

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Accountancy.

Purpose: To redefine the experience required for licensure to practice public accounting.

Statutory Authority: RCW 18.04.055 and 18.04.215 (1)(a).

Summary of the Rules: Provides for quantifying the general and specific experience required for licensure to practice public accounting. This rule provides for guidelines for amount of experience and specific tasks that must be completed prior to application for public licensure.

Reasons Proposed: Recognizes that candidates for public license require clearer guidelines of acceptable experience. The rule proposes greater latitude in meeting experience requirements.

Responsible Personnel: In addition to the members of the board, the following Board of Accountancy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Carey L. Rader, Chief Executive Officer, 210 East Union, Suite H, Olympia, WA 98504, phone (206) 753-2585 or scan 234-2585.

Proponents: Washington State Board of Accountancy.  
Agency Comments: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 4-25-190 EXPERIENCE. Experience required for issuance of an initial license pursuant to RCW 18.04.215 (1)(a) shall meet the requirements of this section:

(1) **EXPERIENCE DEFINITION AND TIMING:** One year of experience shall consist of full-time employment of no less than two thousand hours. For purposes of computing work experience for a part-time employee, two thousand hours shall constitute one year. Employment may be for one or more employers, with or without compensation, and may consist of any combination of full-time and part-time employment. For an applicant who passed the uniform certified public accounting examination prior to May 1988, experience obtained more than five years prior to application for initial license shall be supplemented by eighty hours of continuing education during the two-year period prior to application. For an applicant who passed the examination in May 1988, or thereafter, experience must be obtained within the five-year period prior to application.

(2) **EXPERIENCE IN PUBLIC ACCOUNTING:**

(a) An applicant shall show he/she has had employment for a period of one year as a staff accountant under the direct supervision of a currently licensed certified public accountant who is actively engaged in the practice of public accounting. Public accounting experience for purposes of this section shall mean the performance of services as one skilled in the knowledge and practice of public accounting, including performance of accounting or auditing procedures, issuance of reports on financial statements, performance of management advisory or other consulting services, preparation of tax returns and furnishing advice on tax matters.

(b) Public accounting services shall be performed for clients of a certified public accountant or a firm of certified public accountants in compliance with the board's rules and must regularly involve the exercise of independent judgment and the application of appropriate technical and behavioral standards such as the standards contained in the Code of Professional Ethics, Generally Accepted Auditing Standards, Statement of Responsibilities in Tax Practice, Statement on Standards for Management Advisory Services, Statement of Standards for Accounting and Review Services, Statement on Standards for Attestation Engagements and other similar practice standards issued by the American Institute of Certified Public Accountants.

(c) Commencing January 1, 1988, an applicant shall demonstrate that he/she has obtained required experience by performing one or more of the services described in (a) and (b) of this subsection, including attest function experience related to reports on financial statements. The attest function experience shall consist of experience within activities generally performed by certified public accountants in audit engagements, review engagements, compliance audits, management audits, operational audits, or other attest function engagements.

(d) An applicant's attest function experience shall include the following:

(i) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records;

(ii) Experience in the preparation of working papers in connection with each element of the work accomplished under (d)(i) of this subsection;

(iii) Experience in the planning of the program for the application of accounting and/or auditing procedures and techniques including the selection of the procedures to be followed;

(iv) Experience in the preparation of written explanations and comments on the results of accounting and/or auditing work; and

(v) Experience in the preparation and analysis of financial statements, including explanations and notes.

(e) Attest function experience shall be documented on an experience affidavit form provided by the board which enumerates specific procedures typically applied in an audit of financial statements. The objective of the affidavit is to provide evidence that an applicant has a satisfactory knowledge of current practice standards and pronouncements of the profession.

(3) **EXPERIENCE OTHER THAN IN PUBLIC ACCOUNTING:**

(a) The experience required, as stated in subsection (2) of this section, may also be met by work experience, not including in-classroom training, performed under the direct supervision of a currently licensed certified public accountant in a commercial or governmental organization which has filed a sponsorship agreement with the board, acceptable to the board, which among other things specifies:

(i) The scope of accounting, auditing, consulting, and other services performed within the organization;

(ii) The professional education and on-job training provided to an applicant prior to application; and

(iii) The program of review and supervision performed by the internal review committee within the organization which administers the agreement.

(b) The work must be of a type and at a level equivalent to that performed in public accounting practice and must regularly involve the exercise of independent judgment and the application of the appropriate technical and behavioral standards. Acceptable experience generally would not include employment as a bookkeeper, controller, data processing operator or programmer, teacher or other work which lacks the aspects of an independent consultant/client relationship.

(c) Two years of experience outside of public accounting shall be considered equivalent to one year of public accounting experience.

(4) **EXPERIENCE AFFIDAVIT:** The experience claimed by an applicant shall be verified by the certified public accountant or firm of certified public accountants supervising the applicant on an experience affidavit form provided by the board.

(5) **EXAMINATION OF EXPERIENCE DOCUMENTATION:**

(a) Any licensee who has furnished evidence of an applicant's experience to the board shall upon request by the board explain in writing or in person the information so provided.

(b) The board may require an interview or an inspection of documentation relating to an applicant's experience. Any licensee having custody of such documentation shall produce it upon request by the board.

(c) Any licensee who refuses to provide the evidence or documentation of the applicant's experience, requested by an applicant or by the board, shall upon request by the board explain in writing or in person the basis for such refusal.

(6) **RECIPROCITY:** An applicant who applies for initial license in this state shall be required to document experience obtained in another jurisdiction which is equivalent to the requirements of this state.

**WSR 87-22-070**

**PROPOSED RULES**

**BOARD OF ACCOUNTANCY**

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Accountancy intends to adopt, amend, or repeal rules concerning CPA exam—Policy on cheating, adopting WAC 4-25-142;

that the agency will at 9:00 a.m., Thursday, December 17, 1987, in the Tacoma City Council Chambers, 740 St. Helens, Tacoma, 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 18.04.055(9).

The specific statute these rules are intended to implement is RCW 18.04.105.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1987.

Dated: November 4, 1987

By: Carey L. Rader  
Chief Executive Officer

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Accountancy.

Purpose: To explain the board's policy with regard to cheating on the uniform CPA examination.

Statutory Authority: RCW 18.04.055 and 18.04.105.

Summary of the Rules: Lists examples of cheating, board investigative and hearing procedures relative to cheating and penalties.

**Reasons Proposed:** Recognizes that CPA candidates need to understand the board's position on cheating on the CPA exam.

**Responsible Personnel:** In addition to the members of the board, the following Board of Accountancy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Carey L. Rader, Chief Executive Officer, 210 East Union, Suite H, Olympia, WA 98504, phone (206) 753-2585 or scan 234-2585.

**Proponents:** Washington State Board of Accountancy.  
**Agency Comments:** None.

**Small Business Economic Impact Statement:** Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

#### NEW SECTION

**WAC 4-25-142 CPA EXAM—POLICY ON CHEATING.** (1) Purpose. The purpose of a cheating policy is to set forth guidelines in regard to the penalties the board will impose if it discovers instances of cheating during an examination. Such instances may include, but not be limited to:

(a) Communication between candidates inside or outside of the examination room, or copying another's answers.

(b) Communication with others outside of examination room.

(c) Substitution by a candidate of another person to sit in the examination room in his/her stead and write one or more of the examination papers for him/her.

(d) Reference to crib sheets, text books, or other material inside or outside the examination room.

(2) Policy. Cheating on the CPA examination will be considered as dishonesty related to the professional responsibilities of a CPA and as such will be cause for disqualification.

Penalties that may be imposed by the board for cheating on the examination will be based upon the seriousness of the situation. Penalties may range from the entering of a failing grade on all parts of the examination in which cheating occurred, suspension of the right to sit for future examinations, and/or immediate expulsion from the examination room.

When a candidate is suspected of cheating, the candidate may be moved to a position in the examination room away from other candidates. Any candidate suspected of cheating or who may have observed cheating may be requested to remain for a reasonable period of time following an examination session and questioned by board members or their representatives. These members or representatives shall report to the board regarding this incident. The board, after notice to the candidate, may schedule a hearing to determine the validity of the charge of cheating. The candidate shall be provided a written decision and order of the board following this hearing.

If more than one candidate is knowingly involved in a connected offense of cheating, all persons so involved are subject to penalties, although not necessarily of the same severity.

Other jurisdictions to which a candidate may apply for the examination will be notified of the penalty levied in this state.

#### **WSR 87-22-071**

#### **NOTICE OF PUBLIC MEETINGS HOUSING FINANCE COMMISSION**

[Memorandum—November 4, 1987]

Pursuant to statutory provision, you are hereby notified that the Washington State Housing Finance Commission will hold an open public hearing on Thursday, December 10, 1987, at 2:30 p.m. in the Main Conference Room at Roberts and Shefelman, 800 Fifth Avenue, Suite 4100, Seattle, Washington, for the purpose of

considering a proposed Washington state housing finance plan for 1988-89.

The state housing finance plan provides the general policies of the commission and specific policies with regard to the programs of the commission. The plan outlines the manner in which the commission intends to issue bonds during the period in accordance with the goals and objectives of the plan.

The commission is encouraging public comment on the proposed housing finance plan. Interested parties and individuals are encouraged to send written comments to the commission at the address provided below or to attend the public hearing. A copy of the proposed document may be obtained by telephone or written request to the commission and will be available at the commission office as of November 10, 1987. Written comments received on or before December 9, 1987, will be considered by the commission and verbal testimony on the proposed documents will be accepted at the public hearing on December 10, 1987, at the above address. Depending upon the number of persons wishing to provide verbal testimony at the hearing, the commission reserves the right to limit the time each speaker may comment to two minutes or less.

For purposes of providing written comments, the address of the commission is Mr. Kim Herman, Executive Director, Washington State Housing Finance Commission, 710 Second Avenue, Suite 1090, Seattle, Washington 98104.

#### **WSR 87-22-072**

#### **PROPOSED RULES**

#### **LIQUOR CONTROL BOARD**

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Guest and courtesy cards—Visitors, amendatory section WAC 314-40-040;

that the agency will at 9:30 a.m., Tuesday, December 8, 1987, in the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.24.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

Dated: November 4, 1987

By: Kazuo Watanabe  
Member of the Board



## STATEMENT OF PURPOSE

Title: WAC 314-40-040 Guest and courtesy cards—Visitors.

Description of Purpose: To modify WAC 314-40-040(6).

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.24.400.

Summary of Rule: Would state explicitly that private clubs are allowed to give or sell club liquor to those attending a public membership function held for the purpose of recruiting new members.

Reason Supporting Proposed Action: Presently the rule permits liquor to be given away at such functions and even though liquor may also be sold at the function, the methodology and explanation of the process is so complex that confusion is usually the end result. The proposed modification of the rule would end this confusion.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule amendment: Gary W. Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 586-3052.

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

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: No negative cost impact for this rule amendment.

AMENDATORY SECTION (Amending Order 177, Resolution No. 186, filed 3/11/86)

WAC 314-40-040 GUEST AND COURTESY CARDS—VISITORS. (1) Guest cards may be issued only as follows:

(a) For clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;

(b) For clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: PROVIDED, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area;

(c) Such guest cards shall be issued for a period not to exceed two weeks and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board;

(d) Mileage restrictions in WAC 314-40-040 (1)(a) and (b) shall not apply to contestants in golf or tennis tournaments conducted on the grounds of a licensed club.

(2) Visitors may be introduced when accompanied at all times by a member and may remain as long as such member is present in the club: PROVIDED, That any such visitor may only enjoy the privileges of the club a reasonable number of times in any one calendar year.

(3) Persons who are members in good standing of a national veterans organization may enjoy the privileges of any licensed club affiliated with any national veterans organization, and persons who are members in good standing of a national fraternal organization may enjoy the privileges of any club affiliated with that particular national fraternal organization: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That WAC 314-40-040 (1) and (2) shall not apply to members of such organizations.

(4) Persons who are members in good standing of organizations licensed as private nonfraternal clubs may enjoy the privileges of other licensed nonfraternal clubs: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That

WAC 314-40-040 (1) and (2) shall not apply to members of such clubs.

(5) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member.

(6) In order to recruit new members and build club membership, a private club may hold one public membership function per calendar year where club liquor may be given or sold to those attending as a part of the membership drive activities.

## WSR 87-22-073

## PROPOSED RULES

## LIQUOR CONTROL BOARD

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Minors—Employment, amendatory section WAC 314-16-070;

that the agency will at 9:30 a.m., Tuesday, December 8, 1987, in the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.44.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

Dated: November 4, 1987

By: Kazuo Watanabe  
Member of the Board

## STATEMENT OF PURPOSE

Title: WAC 314-16-070 Minors—Employment.

Description of Purpose: To amend a rule that is inconsistent with RCW 66.44.340.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.44.340.

Summary of Rule: Would allow employees 18 years of age or over of Class E and/or F licensees exclusively, to stock and handle in addition to selling beer and/or wine not to be consumed on the premises.

Reason Supporting Proposed Action: The rule is inconsistent with RCW 66.44.340 which presently allows employees of Class E and/or F licensees to sell, stock and handle beer and/or wine and the proposed change would correct the conflict.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule amendment: Gary W. Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 586-3052.

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

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: No negative cost impact for this rule amendment.

AMENDATORY SECTION (Amending Order 43, filed 11/20/75)

WAC 314-16-070 MINORS—EMPLOYMENT. No person under the age of 21 years shall be employed in any service in connection with the sale, handling or serving of any liquor, either on a paid or voluntary basis, in, on or about any licensed premises except as otherwise authorized by law. Employees 18 years of age or over of Class A, C, D and/or H licensees may take orders for, serve and sell liquor for consumption on premises as authorized by, and under the conditions provided in, chapter 66.44 RCW. Employees 18 years of age or over of Class E and/or F licensees exclusively, may sell, stock and handle beer and/or wine not to be consumed upon the premises as authorized by, and under the conditions provided in, RCW 66.44.340.

(1) All licensees shall have a person 21 years of age or over on duty supervising the sale, service and consumption of liquor at the licensed premises.

(2) Persons under 21 years of age may not serve food or liquor in any area of Class A, C, D, or H licensed premises at any time such area is classified by the board as off-limits to persons under 21 years of age.

(3) Persons under 21 years of age shall not be permitted to perform activities or functions of a bartender. For the purposes of this section, activities or functions of a bartender include, but are not limited to: Mixing drinks or cocktails; drawing beer or wine; pouring beer or wine anywhere on the premises except at the patrons table; supplying or providing to 18, 19, or 20 year old employees for delivery to the customer spirituous liquor by the glass, beer by the pitcher or glass; or wine by the carafe or glass.

**WSR 87-22-074**

**PROPOSED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Special allocations, WAC 392-140-145 through 392-140-159;

that the agency will at 9:00 a.m., Monday, December 14, 1987, in the State Board Room, SPI, Old Capitol Building, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28A.41.170.

Dated: November 4, 1987

By: Frank B. Brouillet  
Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-140 WAC.

Rule Section(s): WAC 392-140-145, 392-140-146, 392-140-147, 392-140-148, 392-140-149, 392-140-150, 392-140-151, 392-140-152, 392-140-153, 392-140-154, 392-140-155, 392-140-156, 392-140-157, 392-140-158 and 392-140-159.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To define procedures for allocating state general fund money for the purpose of exchanging minimum salaries for certificated instructional employees.

Summary of the New Rule(s) and/or Amendments: The Superintendent of Public Instruction will allocate the general fund moneys to school districts for increasing salaries for eligible certificated employees to the required minimum salary.

Reasons Which Support the Proposed Action(s): Rules are required to implement provision of chapter 1, Laws of 1987 3rd ex. sess., allocating money for enhancing minimum salary.

Section Analysis: WAC 392-140-145 through 392-140-159, Finance—Special allocations, minimum salary allocations, WAC 392-140-145 states applicable school years - 1987-88 and 1988-89; 392-140-146 defines "school year"; 392-140-147 defines "current school year"; 392-140-148 defines "prior school year"; 392-140-149 defines "certificated instructional staff"; 392-140-150 defines "Form F-275"; 392-140-151 defines "certificated instructional employee full-time equivalency in a program"; 392-140-152 defines "minimum required salary"; 392-140-153 defines "prior school year adjusted salary"; 392-140-154 defines "LEAP Document 1"; 392-140-155 defines "LEAP Document 11"; 392-140-156 defines "district derived base salary for purpose of apportionment"; 392-140-157 establishes the procedure for determining the percentage increase in a district's derived base salary; 392-140-158 defines "eligible employee"; and 392-140-159 establishes the procedure for calculating allocations for minimum salaries.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Perry Keithley, SPI, Financial Services, 3-6742; and Enforcement: Dr. Charles Marshall, SPI, Deputy Superintendent, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

NEW SECTION

WAC 392-140-145 1987-89 MINIMUM SALARY ALLOCATIONS—APPLICABLE PROVISIONS. The provisions of WAC 392-140-145 through 392-140-159 shall be applicable for the 1987-88 and 1988-89 school year minimum salary allocations pursuant to section 3, chapter 1, Laws of 1987 3rd ex. sess.

NEW SECTION

WAC 392-140-146 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—SCHOOL YEAR. As used in WAC 392-140-145 through 392-140-159, "school year" means the same as defined in WAC 392-121-031.

NEW SECTION

WAC 392-140-147 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—CURRENT SCHOOL YEAR. As used in WAC 392-140-145 through 392-140-159, "current school year"

means the school year for which minimum salary allocations are made pursuant to this chapter.

#### NEW SECTION

WAC 392-140-148 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—PRIOR SCHOOL YEAR. As used in WAC 392-140-145 through 392-140-159, "prior school year" means the school year prior to the school year for which minimum salary allocations are made pursuant to this chapter.

#### NEW SECTION

WAC 392-140-149 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—CERTIFICATED INSTRUCTIONAL EMPLOYEE. As used in WAC 392-140-145 through 392-140-159, "certificated instructional employee" means the same as defined in WAC 392-121-205.

#### NEW SECTION

WAC 392-140-150 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—FORM F-275. As used in WAC 392-140-145 through 392-140-159, "Form F-275" means the same as defined in WAC 392-121-220.

#### NEW SECTION

WAC 392-140-151 MINIMUM SALARY ALLOCATIONS—DEFINITION—CERTIFICATED INSTRUCTIONAL EMPLOYEE FULL-TIME EQUIVALENCY (FTE). As used in this chapter, "certificated instructional employee full-time equivalency (FTE)" means the number rounded to three decimal places determined as follows:

(1) An employee of the school district who is contracted to provide services as a certificated instructional employee for not less than one hundred eighty full work days shall be counted as one FTE.

(2) An employee of the school district who is contracted to provide services for one hundred eighty partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing that part of the day worked by the full day as determined by the district.

(3) An employee of the school district who is contracted to provide services for less than one hundred eighty full work days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to the nearest thousandth obtained by dividing the number of work days contracted for by one hundred eighty: PROVIDED, That if the normal annual full-time contract for the position exceeds one hundred eighty work days, the greater number of work days normally contracted shall be used as the divisor.

(4) An employee of the school district who is contracted to provide services for less than one hundred eighty partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to one hundred eighty: PROVIDED, That if the normal annual full-time contract for the position exceeds one hundred eighty work days, the greater number of work days normally contracted shall be used in place of one hundred eighty in the ratio.

(5) For the purposes of this section a certificated instructional employee's contracted time is determined by the employee's contracted assignments as of October 1 of the current school year as reported to the superintendent of public instruction on Form F-275 pursuant to chapter 392-121 WAC.

(6) No employee shall be counted as more than one full-time equivalent certificated staff unit.

(7) The length of a full work day as used in this section shall be determined by the district.

#### NEW SECTION

WAC 392-140-152 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—MINIMUM REQUIRED SALARY. As used in WAC 392-140-145 through 392-140-159, "minimum required salary" means the salary amount for a certificated instructional employee for a given school year as determined in this section.

(1) For the 1987-88 school year an employee's minimum required salary equals the employee's full-time equivalency as a certificated instructional employee times:

(a) For an employee whose highest degree level is a bachelor's degree, \$17,050; or

(b) For an employee whose highest degree level is a master's degree, \$20,000.

(2) For the 1988-89 school year an employee's minimum required salary equals the employee's full-time equivalency as a certificated instructional employee times:

(a) For an employee whose highest degree level is a bachelor's degree, \$17,600; or

(b) For an employee whose highest degree level is a master's degree, \$20,645.

(3) For the purposes of this section an employee's highest degree level shall be the highest degree level of the employee as of October 1 of the school year as reported to the superintendent of public instruction on Form F-275 pursuant to chapter 392-121 WAC.

#### NEW SECTION

WAC 392-140-153 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—PRIOR SCHOOL YEAR ADJUSTED SALARY. As used in WAC 392-140-145 through 392-140-159, "prior school year adjusted salary" means the salary rounded to the nearest whole dollar that the school district would have paid an employee for the prior school year in the certificated instructional position or positions held by the employee in the current school year using the employee's current school year education, years of experience and full-time equivalency.

(1) In determining prior school year adjusted salary, the position or positions held by the employee in the current school year, the employee's education, years of experience, and full-time equivalency shall be as of October 1 of the current school year as reported to the superintendent of public instruction on Form F-275 pursuant to chapter 392-121 WAC.

(2) No employee's prior school year adjusted salary for 1986-87 shall be considered to be less than \$16,500 on a full-time equivalent basis if the school district had received salary enhancement allocations under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum salary of \$16,500.

#### NEW SECTION

WAC 392-140-154 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—LEAP DOCUMENT 1. As used in WAC 392-140-145 through 392-140-159, "LEAP Document 1" means the same as defined in WAC 392-121-267.

#### NEW SECTION

WAC 392-140-155 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—LEAP DOCUMENT 11. As used in WAC 392-140-145 through 392-140-159, "LEAP Document 11" means the same as defined in WAC 392-121-268.

#### NEW SECTION

WAC 392-140-156 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—DISTRICT DERIVED BASE SALARY FOR PURPOSE OF APPORTIONMENT. As used in WAC 392-140-145 through 392-140-159, "district derived base salary for purpose of apportionment" means amount rounded to the nearest whole dollar determined for each school district as follows:

(1) Determine the district average basic education certificated instructional staff salary for purpose of apportionment determined pursuant to WAC 392-121-299; and

(2) Divide by the district average staff mix factor for basic education certificated instructional staff for the same school year determined pursuant to WAC 392-121-295.

#### NEW SECTION

WAC 392-140-157 1987-89 MINIMUM SALARY ALLOCATIONS—DETERMINATION OF PERCENTAGE INCREASE IN THE DISTRICT DERIVED BASE SALARY. The percentage increase in a school district's derived base salary between the prior and current school years shall be the percentage rounded to two decimal places calculated pursuant to this section.

(1) The percentage increase between the 1986-87 and 1987-88 school years is calculated as follows:

(a) Determine the school district's 1987-88 derived base salary for purpose of apportionment pursuant to WAC 392-140-156;

(b) Subtract the school district's 1986-87 basic education certificated instructional derived base salary as shown on LEAP Document 11;

(c) Divide the result by the school district's 1986-87 basic education certificated instructional derived base salary shown on LEAP Document 11; and

(d) Multiply the result by one hundred.

(2) The percentage increase between the 1987-88 and 1988-89 school years is calculated as follows:

(a) Determine the school district's 1988-89 derived base salary for purpose of apportionment pursuant to WAC 392-140-156;

(b) Subtract the school district's 1987-88 derived base salary for purpose of apportionment determined pursuant to WAC 392-121-156;

(c) Divide the result by the school district's 1987-88 derived base salary for purpose of apportionment determined pursuant to WAC 392-121-156; and

(d) Multiply the result by one hundred.

#### NEW SECTION

WAC 392-140-158 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—ELIGIBLE EMPLOYEE. As used in this chapter, "eligible employee" means a certificated instructional employee whose minimum required salary for the current school year exceeds their prior school year adjusted salary increased by the percentage increase between the prior and current school years in the employing school district's derived base salary.

#### NEW SECTION

WAC 392-140-159 1987-89 MINIMUM SALARY ALLOCATIONS—DETERMINATION OF MINIMUM SALARY ALLOCATIONS. In the 1987-88 and 1988-89 school years the superintendent of public instruction may allocate moneys to school districts to implement minimum salaries for eligible employees as follows:

(1) For each eligible employee of a school district determine the employee's prior school year adjusted salary pursuant to WAC 392-140-153;

(2) Increase the result of subsection (1) of this section by the percentage increase between the prior and current school years in the district's derived base salary determined pursuant to WAC 392-140-157 and round to the nearest whole dollar;

(3) Subtract the result of subsection (2) of this section from the employee's minimum required salary for the current school year determined pursuant to WAC 392-140-152;

(4) Sum the result of subsection (3) of this section for all eligible employees of the school district; and

(5) The amount determined in subsection (4) of this section is the amount of the school district's minimum salary allocation for the school year.

### **WSR 87-22-075**

#### **PROPOSED RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—General apportionment, chapter 392-121 WAC;

that the agency will at 9:00 a.m., Monday, December 14, 1987, in the State Board Room, SPI, Old Capitol Building, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28A.41.055 and 28A.41.170.

Dated: November 4, 1987

By: Frank B. Brouillet  
Superintendent of Public Instruction

#### **STATEMENT OF PURPOSE**

Rule: Chapter 392-121 WAC, Finance—General apportionment.

Rule Section(s): WAC 392-121-001, 392-121-003, 392-121-007, 392-121-021, 392-121-031, 392-121-033, 392-121-106, 392-121-107, 392-121-108, 392-121-111, 392-121-122, 392-121-123, 392-121-126, 392-121-132, 392-121-161, 392-121-181, 392-121-182, 392-121-183, 392-121-200, 392-121-205, 392-121-210, 392-121-215, 392-121-220, 392-121-225, 392-121-245, 392-121-250, 392-121-255, 392-121-257, 392-121-260, 392-121-265, 392-121-267, 392-121-268, 392-121-270, 392-121-272, 392-121-280, 392-121-285, 392-121-295, 392-121-297, 392-121-299, 392-121-400, 392-121-405, 392-121-415, 392-121-420, 392-121-425, 392-121-430, 392-121-440, 392-121-442, 392-121-445 and 392-121-460.

Statutory Authority: RCW 28A.41.055 and 28A.41.170.

Purpose of the Rule(s): To set forth policies and procedures related to general apportionment of state moneys for the operation of common schools within the state of Washington.

Summary of the New Rule(s) and/or Amendments: The amendments clarify enrollment reporting policies, revise basic education apportionment procedures for certificated instructional and administrative staff, and define new policies relating to credits recognized on the state-wide salary allocation schedule.

Reasons Which Support the Proposed Action(s): Changes are in response to legislation passed in 1987; chapter 2, Laws of 1987 1st ex. sess., and chapter 519, Laws of 1987. Changes are also intended to reorganize and clarify chapter 392-121 WAC.

Section Analysis: Chapter 392-121 WAC, Finance—General apportionment, WAC 392-121-001 states authority for the rules; 392-121-003 states the purpose of the rules; 392-121-007 describes the organization of the chapter; 392-121-021 establishes school district reporting requirements for apportionment data and penalties for late reporting; 392-121-031 defines "school year"; 392-121-033 defines "school day"; 392-121-106 defines "enrolled student"; 392-121-107 defines "courses of study"; 392-121-108 defines "enrollment exclusions"; 392-121-111 defines "residence," "resident student," and "nonresident student"; 392-121-122 defines "full-time equivalent student"; 392-121-123 provides for counting student enrollment during summer months in districts with "nonstandard school year programs"; 392-121-126 defines "annual average full-time equivalent students"; 392-121-132 prohibits counting a student as more than one full-time equivalent (FTE) student on a count date or more than annual average full-time equivalent (AAFTE) student in a year; 392-121-161 defines "kindergarten"; 392-121-181 clarifies requirements for reporting off-campus instruction as a course of study;

392-121-182 clarifies requirements for reporting alternative learning experience as a course of study; 392-121-183 permits contracting with an educational institution other than a school district for instruction which may be reported as a course of study; 392-121-200 defines "certificated employee"; 392-121-205 defines "certificated instructional employee"; 392-121-210 defines "basic education certificated instructional employee"; 392-121-215 defines "full-time equivalent (FTE) basic education certificated instructional employee"; 392-121-220 defines "Form S-275"; 392-121-225 defines "Form S-277"; 392-121-245 defines "certificated years of experience"; 392-121-250 defines "highest degree level"; 392-121-255 defines "academic credits"; 392-121-257 defines "in-service credits"; 392-121-260 defines "total eligible credits"; 392-121-265 defines "state-wide salary allocation schedule"; 392-121-267 defines "LEAP Document 1"; 392-121-268 defines "LEAP Document 11"; 392-121-270 prescribes the method of placing certificated instructional employees with college degrees on the state-wide salary allocation schedule and on LEAP Document 1; 392-121-272 prescribes the method of placing certificated instructional employees without college degrees on the state-wide salary allocation schedule and on LEAP Document 1; 392-121-285 defines "district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule"; 392-121-290 defines "district actual average annual basic education certificated instructional staff salary"; 392-121-295 defines "district average staff mix factor for basic education certificated instructional staff"; 392-121-297 defines "district actual derived base salary for basic education certificated instructional staff"; 392-121-299 prescribes the method of establishing the average salary used in apportionment for basic education certificated instructional staff; 392-121-400 prescribes twelve monthly apportionment payments to school districts during the school year; 392-121-405 prescribes the method of terminating an interdistrict cooperative agreement; 392-121-415 identifies those school district revenues which are deducted from basic education allocations; 392-121-420 prescribes method of distributing federal forest funds; 392-121-425 prescribes payment of basic education allocations during a strike unless the school district's program is disapproved; 392-121-430 requires kindergarten and grade one through twelve to be considered collectively; 392-121-440 provides for emergency advance payments of basic education allocations; 392-121-442 requires forfeiture of earnings on emergency advance payments; 392-121-445 permits crediting a portion of a school district's basic education allocation to a capital projects or debt service fund; and 392-121-460 prescribes method of reimbursing school districts for payments to fire protection districts.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, Administrative Law Services, 3-2298; Implementation: Perry Keithley, SPI, Financial Services, 3-6742; and Enforcement: Dr. Charles Marshall, SPI, Deputy Superintendent, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 392-121 WAC  
FINANCE—GENERAL APPORTIONMENT

WAC

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392-121-181	Off-campus instruction requirements.
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CERTIFICATED INSTRUCTIONAL STAFF

392-121-200	Definition—Certificated employee.
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392-121-250	Definition—Highest degree level.
392-121-255	Definition—Academic credits.
392-121-257	Definition—In-service credits.
392-121-260	Definition—Total eligible credits.
392-121-265	Definition—State-wide salary allocation schedule.
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392-121-268	Definition—LEAP Document 11.
392-121-270	Placement of certificated instructional staff with degrees on the state-wide salary allocation schedule and on LEAP Document 1.
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392-121-285	Definition—District average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule.
392-121-290	Definition—District actual average annual basic education certificated instructional staff salary.
392-121-295	Definition—District average staff mix factor for basic education certificated instructional staff.
392-121-297	Definition—District actual derived base salary for basic education certificated instructional staff.
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## APPORTIONMENT

392-121-400	Payment of basic education allocation funds.
392-121-405	Termination of an interdistrict cooperative agreement.
392-121-415	Basic education allocation—Deductible revenues.
392-121-420	Basic education allocation—Federal forest funds.
392-121-425	Basic education allocation during strike.
392-121-430	Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment.
392-121-440	Emergency advance payments.
392-121-442	Forfeiture of earnings on emergency advance.
392-121-445	Procedure for crediting portion of basic education allocation for capital purposes in school districts.
392-121-460	Fire district allocation.

## GENERAL PROVISIONS

NEW SECTION

WAC 392-121-001 **AUTHORITY.** The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary for the proper administration of chapter 28A.41 RCW. This general authority is supplemented by RCW 28A.41.055 which authorizes the superintendent of public instruction to develop apportionment factors based on data and statistics derived in an annual period established by the superintendent of public instruction.

NEW SECTION

WAC 392-121-003 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures related to the general apportionment of state moneys for the operation of common schools within the state of Washington. This section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

NEW SECTION

WAC 392-121-007 **ORGANIZATION OF THIS CHAPTER.** This chapter is in the following general subject areas:  
 Sections 001-099 General provisions.  
 Sections 100-199 Enrollment.  
 Sections 200-299 Certificated instructional staff.  
 Sections 400-499 Apportionment.

NEW SECTION

WAC 392-121-021 **REPORTING REQUIREMENTS.** The reporting requirements of school districts are as follows:

(1) Each school district shall provide, upon request of the superintendent of public instruction, such data as the superintendent deems appropriate to substantiate the district's entitlement to state basic education apportionment.

(2) The superintendent of public instruction shall provide each district with necessary report forms and shall advise each district of the due dates established by the superintendent for the return of such completed report forms to the educational service districts or to the superintendent of public instruction as now or hereafter established by the superintendent of public instruction and published in bulletins of the division of financial services. There shall be no adverse action taken by the superintendent as the result of any late submission of data unless educational service districts and school districts are notified in advance by bulletin of the division of financial services that adverse action in the form of a delay in the apportionment of state funds or otherwise may be taken.

(3) In the event any district fails to submit data in the form required by the superintendent of public instruction or submits data so that it is received by the educational service district superintendent or the superintendent of public instruction after the close of business on the date now or hereafter established by the superintendent of public instruction, but not later than the close of business on the fifth business day after the date the report is due, the district's then current monthly payment of basic education apportionment funds shall be delayed a minimum of ten calendar days from the first day of the next ensuing month.

(4) In the event any district submits data so that it is received by the educational service district or the superintendent of public instruction later than the close of business of the fifth business day following the due date established by the superintendent of public instruction pursuant to bulletins of the division of financial services, the district's then current monthly payment of basic education apportionment funds shall be delayed until the next monthly payment date: **PROVIDED**, That the superintendent of public instruction has a reasonable period of time to edit and process the data submitted according to the monthly apportionment schedule established annually by the superintendent and now or hereafter published in bulletins of the division of financial services.

(5) In the event a district has extenuating circumstances, the district may deliver required reports directly to the superintendent of public instruction: **PROVIDED**, That not later than the due date(s) established pursuant to this section, the school district notifies the educational service district superintendent or designee of the extenuating circumstances and the decision to deliver such report to the superintendent of public instruction; such reports are received by the superintendent of public instruction not later than the close of business on the date established by the superintendent of public instruction; and the school district provides the educational service district superintendent with a copy of such report(s) within a reasonable amount of time following the due date.

NEW SECTION

WAC 392-121-031 **DEFINITION—SCHOOL YEAR.** As used in this chapter, "school year" means the annual period commencing on the first day of September of one calendar year and ending the last day of August of the next ensuing calendar year: **PROVIDED**, That for those school districts commencing basic education programs prior to the September 1, school days scheduled prior to September 1 shall be considered to be within the school year that commences September 1.

NEW SECTION

WAC 392-121-033 **DEFINITION—SCHOOL DAY.** As used in this chapter, "school day" means a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

## ENROLLMENT

NEW SECTION

WAC 392-121-106 **DEFINITION—ENROLLED STUDENT.** As used in this chapter, "enrolled student" means a person who:

(1) After the close of the prior school year has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school in grades kindergarten through twelve;

(2) Is under twenty-one years of age at the beginning of the school year;

(3) Actually participated on a school day during the current school year in a course of study as defined in WAC 392-121-107; and

(4) Does not qualify for any of the enrollment exclusions set forth in WAC 392-121-108.

NEW SECTION

WAC 392-121-107 **DEFINITION—COURSES OF STUDY.** As used in this chapter, "courses of study" means those activities for which students enrolled pursuant to chapters 180-50, 180-51, and 392-134 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Courses of study include:

(a) On-campus instruction – teaching/learning experiences conducted on campus, including qualifying nonclass study time. In order to qualify as on-campus instruction, nonclass study time must be scheduled in conjunction with other educational activity which occurs on campus during the school day, and participation in such study time must be monitored.

(b) Off-campus instruction – teaching/learning experiences primarily conducted off-campus in conformance with WAC 392-121-181.

(c) Alternative learning experience – alternative learning experience conducted on or off campus in conformance with WAC 392-121-182.

(d) Contracting – enrollment in an educational institution other than a school district in conformance with WAC 392-121-183.

(e) National guard – participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.04.133 and WAC 180-50-320. Such participation may be counted as a course of study only by the school district which the individual last attended.

(f) Ancillary service – service provided to private school and home-based students in conformance with chapter 392-134 WAC. Ancillary service is reported annually to the superintendent of public instruction by school districts for the number of hours that private school and home-based students attend class or receive ancillary service. Ancillary service is not counted on the monthly report pursuant to WAC 392-121-122.

(g) Work experience training – training provided pursuant to WAC 180-50-315.

(2) Courses of study do not include:

(a) Home-based instruction pursuant to RCW 28A.27.010(4).

(b) Enrollment in state institutions, i.e., handicapped institutions, neglected and delinquent institutions, group homes, and juvenile detention centers.

#### NEW SECTION

WAC 392-121-108 ENROLLMENT EXCLUSIONS. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences – a student whose consecutive days of absence from school encompasses two consecutive monthly enrollment count days as specified in WAC 392-121-122 shall not be counted on the next enrollment count day as an enrolled student unless one of the following requirements is met:

(a) Attendance is resumed; or

(b) There is an agreement between the appropriate school official and the student's parent or guardian pursuant to RCW 28A.27.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED, That such temporary absence shall not exceed twenty consecutive school days.

(2) Dropouts – a student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student unless attendance is resumed.

(3) Transfers – a student for whom the school district has received notification of transfer to another public or private school from the school to which the student is transferring, the student, or the student's parent or guardian shall not be counted as an enrolled student unless attendance is resumed in that school district.

(4) Suspensions – a student who has been suspended from school pursuant to WAC 180-40-260, when the conditions of the suspension will cause the student to lose academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions – a student who has been expelled from school by the school district pursuant to WAC 180-40-275 shall not be counted as an enrolled student.

#### NEW SECTION

WAC 392-121-111 DEFINITIONS—RESIDENCE, RESIDENT STUDENT AND NONRESIDENT STUDENT. As used in this chapter, "residence," "resident student" and "nonresident student" mean the same as defined in WAC 392-137-010 when determining an enrolled student.

#### NEW SECTION

WAC 392-121-122 DEFINITION—FULL-TIME EQUIVALENT STUDENT. As used in this chapter, "full-time equivalent student" means each enrolled student in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for at least the minimum number of hours set forth in subsection (1) of this section, inclusive of class periods and normal class change passing time, but exclusive of noon

intermissions: PROVIDED, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: PROVIDED FURTHER, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September.

(1) The minimum hours for each grade are as follows:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

#### NEW SECTION

WAC 392-121-123 NONSTANDARD SCHOOL YEAR PROGRAMS. Notwithstanding the count dates in WAC 392-121-122, a student who is participating in a course of study on a tuition-free basis and who has not been counted as a full-time equivalent student for all of the first nine months of the school year may be counted in any of the last three months of the school year as long as enrollment counts for such student do not exceed the limitation on enrollment counts set forth in WAC 392-121-132.

#### NEW SECTION

WAC 392-121-126 DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENTS. As used in this chapter, "annual average full-time equivalent students" means the sum of the following:

(1) The quotient obtained by dividing the annual total of full-time equivalent students enrolled and reported to the superintendent of public instruction pursuant to WAC 392-121-122 by nine;

(2) The hours of ancillary service to private school and home-based students reported pursuant to WAC 392-121-107(6) divided by 900.

#### NEW SECTION

WAC 392-121-132 LIMITATION ON ENROLLMENT COUNTS. Enrollment counts pursuant to WAC 392-121-106 through 392-121-126 are subject to the following limitations:

(1) Except as provided in subsection (2) of this section, no student, including a student enrolled in more than one district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(2) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

(3) A student who is five years of age at the beginning of the school year and who is enrolled in a preschool handicapped program shall not be counted as a kindergarten student pursuant to WAC 392-121-122 unless the student is enrolled full time in the preschool handicapped program or attends a regular kindergarten program in addition to the preschool handicapped program.

#### NEW SECTION

WAC 392-121-161 DEFINITION—KINDERGARTEN. As used in this chapter, "kindergarten" means an instructional program conducted pursuant to RCW 28A.58.754 for students who meet the entry age requirements pursuant to chapter 180-39 WAC.

#### NEW SECTION

WAC 392-121-181 OFF-CAMPUS INSTRUCTION REQUIREMENTS. Off-campus instruction may be counted as a course of study pursuant to WAC 392-121-107 if the program operates in

compliance with an approved written program plan on file in the appropriate school building. Off-campus program plans shall include but not be limited to:

- (1) The objective(s) of the program;
- (2) The teaching component(s) of the program, including where and when teaching activities will be conducted by school district certificated staff;
- (3) A schedule of the duration of the program, including beginning and ending dates within the school year;
- (4) A description of how student performance will be supervised, evaluated, and recorded by the certificated staff or by qualified school district employees under the direct supervision of the certificated staff; and
- (5) A description of intervention techniques and criteria for their use.

#### NEW SECTION

**WAC 392-121-182 ALTERNATIVE LEARNING EXPERIENCE REQUIREMENTS.** An alternative learning program may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

- (1) The program operates in compliance with an approved written program plan on file in the appropriate school building. Alternative learning experience plans shall include but not be limited to:
  - (a) The objective(s) of the program;
  - (b) The teaching component(s) of the program, including where and when teaching activities will be conducted by school district certificated staff;
  - (c) A schedule of the duration of the program, including beginning and ending dates within the school year;
  - (d) A description of how student performance will be supervised, evaluated, and recorded by the certificated staff or by qualified school district employees under the direct supervision of the certificated staff; and
  - (e) A description of intervention techniques and criteria for their use.
- (2) The student's performance is subject to the direction of and evaluation by the district's certificated staff.
- (3) Each course credit which is actively being pursued in an alternative learning experience and which is the equivalent of one course credit may supplement or replace one hour of minimum time toward a scheduled school day.

#### NEW SECTION

**WAC 392-121-183 CONTRACTING WITH AN EDUCATIONAL INSTITUTION OTHER THAN A SCHOOL DISTRICT.** Enrollment in an educational institution other than a school district may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

- (1) The student is working towards course credits which satisfy high school graduation requirements; and
- (2) The school district has a contractual agreement with the educational institution to provide instruction at no cost to the student for tuition or fees.

### CERTIFICATED INSTRUCTIONAL STAFF

#### NEW SECTION

**WAC 392-121-200 DEFINITION—CERTIFICATED EMPLOYEE.** As used in this chapter, "certificated employee" means a person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by a school district in a position for which such certificate is required by statute, rule of the state board of education, or written policy or practice of the employing school district.

#### NEW SECTION

**WAC 392-121-205 DEFINITION—CERTIFICATED INSTRUCTIONAL EMPLOYEE.** As used in this chapter, "certificated instructional employee" means any certificated employee except one who is employed solely as one or more of the following:

- (1) Chief executive officer, chief administrative officer, or confidential employee within the meaning of RCW 41.59.020(4);

(2) Principal, assistant principal, and any person hired in any manner to fill a position designated as, or which is in fact, that of principal or assistant principal;

(3) Other district administrator, which means an employee, including an administrative assistant, director, or coordinator of a district-wide program, who directs staff members and/or manages a function, a program, or a supporting service in a school district; and

(4) Other school administrator, which means an employee including an administrative assistant, administrative intern, or supervisor of a school program, who directs staff members or manages a function, a program, or a support service in a school.

#### NEW SECTION

**WAC 392-121-210 DEFINITION—BASIC EDUCATION CERTIFICATED INSTRUCTIONAL EMPLOYEE.** As used in this chapter, "basic education certificated instructional employee" means a certificated instructional employee assigned in whole or in part to the following programs as defined in the accounting manual for public school districts in the state of Washington:

- (1) Basic education, program 01;
- (2) Secondary vocational education, program 31;
- (3) Skills center, program 45;
- (4) General instruction support, program 94; and
- (5) General support services, program 97.

#### NEW SECTION

**WAC 392-121-215 DEFINITION—FULL-TIME EQUIVALENT (FTE) BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF.** As used in this chapter, "full-time equivalent (FTE) basic education certificated instructional staff" means the number of staff units determined as follows:

- (1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional employee for not less than 180 full work days shall be counted as one FTE.
- (2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing that part of the day worked by the full day as determined by the district.
- (3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to the nearest thousandth obtained by dividing the number of work days contracted for by 180: PROVIDED, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to 180: PROVIDED, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent basic education certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

#### NEW SECTION

**WAC 392-121-220 DEFINITION—FORM S-275.** As used in this chapter, "Form S-275" means the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report shall include only certificated individuals employed by the district as of October 1 of the school year.



NEW SECTION

WAC 392-121-225 **DEFINITION—REPORT S-727.** As used in this chapter, "Report S-727" means the alphabetic listing of certificated personnel employed by a school district on October 1 as prepared by the superintendent of public instruction from data submitted by the district on the Form S-275 for the school year.

NEW SECTION

WAC 392-121-245 **DEFINITION—CERTIFICATED YEARS OF EXPERIENCE.** Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country and shall be reported by the school district to the nearest tenth. School districts shall report all years of experience including those beyond the experience limit of the school district's salary schedule. The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month period. Substitute days, if documented, shall be reported as part-time professional education employment calculated by dividing the accumulated number of full-time substitute days by one hundred eighty and rounding to the nearest tenth. Partial substitute days shall be reported as part-time professional education employment calculated by dividing the part of the day worked by the full day as determined by the district and rounded to the nearest tenth of a day. Professional education experience shall be limited to the following:

- (1) Employment in public or private preschools or elementary and secondary schools in positions which require certification;
- (2) Employment in public or private vocational-technical schools, community/junior colleges, colleges, and universities in positions comparable to those which require certification in the common schools;
- (3) Employment in an educational agency or institution including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;
- (4) Experience in the following areas if recognized by the district for placement on the district salary schedule:
  - (a) Military, Peace Corps, or Vista service which interrupted professional employment;
  - (b) Sabbatical leave; and
  - (c) For vocational instructors who hold no degree, up to a maximum of six years of management experience acquired after the instructor meets the minimum vocational certification requirements.

NEW SECTION

WAC 392-121-250 **DEFINITION—HIGHEST DEGREE LEVEL.** As used in this chapter, the term "highest degree level" means the highest degree earned by the employee from an accredited college or university.

NEW SECTION

WAC 392-121-255 **DEFINITION—ACADEMIC CREDITS.** As used in this chapter, "academic credits" means credits determined as follows:

- (1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree.
- (2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.
- (3) Credits are earned from an accredited community college, college, or university.
- (4) Credits are transferrable or applicable to a bachelor's or more advanced degree program.
- (5) Credits are not counted as in-service credits pursuant to WAC 392-121-257.
- (6) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned from the community college, college, or university.

NEW SECTION

WAC 392-121-257 **DEFINITION—IN-SERVICE CREDITS.** As used in this chapter, "in-service credits" means credits determined as follows:

- (1) Credits are earned after August 31, 1987.
- (2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.
- (3) Credits are earned in either:
  - (a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.71.210; or
  - (b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.
- (4) Credits are not counted as academic credits pursuant to WAC 392-121-255.
- (5) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.
- (6) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

NEW SECTION

WAC 392-121-260 **DEFINITION—TOTAL ELIGIBLE CREDITS.** As used in this chapter, "total eligible credits" means the total number of credits determined pursuant to this section.

- (1) Eligible academic credits by degree level are determined as follows:
  - (a) For an employee whose highest degree is a bachelor's degree, eligible academic credits equals the total of all academic credits as defined in WAC 392-121-255.
  - (b) For an employee whose highest degree is a master's degree which was awarded or conferred on or before August 31, 1987, eligible academic credits equals academic credits as defined in WAC 392-121-255 earned after the awarding or conferring of the master's degree.
  - (c) For an employee whose highest degree is a master's degree earned after August 31, 1987, eligible academic credits equals the sum of the following:
    - (i) Academic credits as defined in WAC 392-121-255 earned after the awarding or conferring of the master's degree; plus
    - (ii) Academic credits as defined in WAC 392-121-255 in excess of forty-five credits earned after August 31, 1987 and before the awarding or conferring of the master's degree.
  - (2) In-service credits as defined in WAC 392-121-257.
  - (3) The result obtained by adding the credits calculated under subsections (1) and (2) of this section is the total eligible credits for the purposes of this chapter.

NEW SECTION

WAC 392-121-265 **DEFINITION—STATE-WIDE SALARY ALLOCATION SCHEDULE.** As used in this chapter, "state-wide salary allocation schedule" means the schedule established by the legislature for each school year pursuant to section 204, chapter 2, Laws of 1987 1st ex. sess. and the biennial Operating Appropriations Act for the purpose of determining funding for basic education certificated instructional staff salaries.

NEW SECTION

WAC 392-121-267 **DEFINITION—LEAP DOCUMENT 1.** As used in this chapter, "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

NEW SECTION

WAC 392-121-268 **DEFINITION—LEAP DOCUMENT 11.** As used in this chapter, "LEAP Document 11" means the computerized tabulation of 1986-87 derived base salaries for basic education

certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

#### NEW SECTION

WAC 392-121-270 PLACEMENT OF CERTIFICATED INSTRUCTIONAL STAFF WITH DEGREES ON THE STATE-WIDE SALARY ALLOCATION SCHEDULE AND ON LEAP DOCUMENT 1. Each certificated instructional employee with a degree shall be placed on the state-wide salary allocation schedule and on LEAP Document 1 based on the employee's years of experience, highest degree level, and total eligible credits as defined in this chapter.

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) A certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also has earned a college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree.

(3) For placement on the state-wide salary allocation schedule and on LEAP Document 1, years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

#### NEW SECTION

WAC 392-121-272 PLACEMENT OF NONDEGREE CERTIFICATED INSTRUCTIONAL PERSONNEL ON THE STATE-WIDE SALARY ALLOCATION SCHEDULE AND ON LEAP DOCUMENT 1. Certificated employees without college degrees shall be placed on the state-wide salary allocation schedule and on LEAP Document 1 as follows:

(1) Persons holding a valid initial or provisional certificate as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher shall be placed on the BA column.

(2) For certificated instructional employees having no degree of bachelor's level or higher, no credits earned beyond degree may be reported except as provided in subsections (3) and (4) of this section.

(3) Persons holding a valid continuing or standard school nurse certificate shall be placed on the BA + 30 credits column.

(4) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall be placed on the state-wide salary allocation schedule and on LEAP Document 1 as follows:

(a) Persons meeting the minimum certification requirements shall be placed on the BA column; and

(b) Additional quarter credit hours earned shall be recognized on the basis of one quarter hour for each ten clock hours of approved teacher training and/or one quarter hour for each 100 clock hours of occupational experience as defined in chapter 180-77 WAC each earned after meeting the minimal vocational certification requirements. Persons reaching the BA + 135 credits column with this process shall be placed on the MA column.

(5) Years of experience and quarter credit hours shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

#### NEW SECTION

WAC 392-121-280 PLACEMENT ON STATE-WIDE SALARY ALLOCATION SCHEDULE AND ON LEAP DOCUMENT 1—DOCUMENTATION REQUIRED. School districts shall have documentation on file and available for review which substantiates each certificated employee's placement on the state-wide salary allocation schedule and on LEAP Document 1.

(1) Districts shall document the date of awarding or conferring of the highest degree. Documentation shall include the date upon which the degree was awarded or conferred as recorded on the diploma or official transcript: PROVIDED, That if the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, an official notarized statement from the institution verifying a prior completion date shall be adequate documentation.

(2) Districts shall document total eligible credits on an official transcript or letter from the institution granting the credits or performing the in-service training.

(3) Districts shall document years of experience that are eligible for application on the state-wide salary allocation schedule and on LEAP Document 1. Documentation for years of experience shall be on letters or any other documents that provides evidence of employment including dates of employment.

#### NEW SECTION

WAC 392-121-285 DEFINITION—DISTRICT AVERAGE BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF SALARY PER PLACEMENT ON THE STATE-WIDE SALARY ALLOCATION SCHEDULE. As used in this chapter, "district basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule" means the amount rounded to the nearest whole dollar determined as follows:

(1) Assign a salary to each basic education certificated instructional employee by placing the employee on the state-wide salary allocation schedule pursuant to WAC 392-121-270 or 392-121-272;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent basic education certificated instructional staff pursuant to WAC 392-121-215;

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees; and

(4) Divide the result by the district's total full-time equivalent basic education certificated instructional staff.

(5) For the purposes of this section basic education certificated instructional employees are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Form S-275.

#### NEW SECTION

WAC 392-121-290 DEFINITION—DISTRICT ACTUAL AVERAGE ANNUAL BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF SALARY. As used in this chapter, "district actual average annual basic education certificated instructional staff salary" means the amount rounded to the nearest whole dollar determined as follows:

(1) Determine for each basic education certificated instructional employee the actual annual certificated instructional employee salary for the school year as reported to the superintendent of public instruction prior to June 1 of the school year;

(2) Multiply the result obtained in subsection (1) of this section by the full-time equivalency for the time each employee qualifies as full-time equivalent basic education certificated instructional staff pursuant to WAC 392-121-215.

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees; and

(4) Divide the result obtained in subsection (3) of this section by the district's total full-time equivalent basic education certificated instructional staff for the 1986-87 school year as reported to the superintendent of public instruction prior to June 1 of the school year.

(5) For the purposes of this section certificated instructional employees are those employed by the school district as of October 1 of the school year and as reported to the superintendent of public instruction on Form S-275.

#### NEW SECTION

WAC 392-121-295 DEFINITION—DISTRICT AVERAGE STAFF MIX FACTOR FOR BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF. As used in this chapter, "district average staff mix factor for basic education certificated instructional staff" means the number rounded to three decimal places determined as follows:

(1) Assign a staff mix factor to each basic education certificated instructional employee by placing the employee on LEAP Document 1 pursuant to WAC 392-121-270 or 392-121-272;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent basic education certificated instructional employee pursuant to WAC 392-121-215;

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees of the school district; and

(4) Divide the result by the district's total full-time equivalent basic education certificated instructional staff.

(5) For the purpose of this section basic education certificated instructional staff are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Form S-275.

#### NEW SECTION

**WAC 392-121-297 DEFINITION—DISTRICT ACTUAL DERIVED BASE SALARY FOR BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF.** As used in this chapter, "district actual derived base salary for basic education certificated instructional staff" means the amount rounded to the nearest whole dollar determined as follows:

(1) Determine the school district's actual average annual basic education certificated instructional staff salary for the school year pursuant to WAC 392-121-290; and

(2) Divide the result by the district's average staff mix factor for basic education certificated instructional staff for the school year determined pursuant to WAC 392-121-295.

#### NEW SECTION

**WAC 392-121-299 DETERMINATION OF DISTRICT AVERAGE BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF SALARY FOR THE PURPOSE OF APPORTIONMENT.** Each school district's average basic education certificated instructional staff salary for the purpose of apportioning state general fund moneys to school districts pursuant to RCW 28A.41.130 and 28A.41.140, chapter 2, Laws of 1987 1st ex. sess., and the biennial Operating Appropriations Act, shall be determined by the superintendent of public instruction as provided in this section.

(1) For the 1987-88 school year each district's average basic education certificated instructional staff salary shall be the greater of:

(a) The district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule; or

(b) The district actual average annual basic education certificated instructional staff salary for the 1986-87 school year improved by 2.1 percent; or

(c) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(2) For the 1988-89 school year each district's average basic education certificated instructional staff salary shall be the greater of:

(a) The district average basic education certificated instructional staff salary per placement on the 1988-89 state-wide salary allocation schedule; or

(b) For districts which received salary allocations for the 1987-88 school year under subsection (1)(b) or (c) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff, multiplied by the district's average staff mix factor for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent.

### APPORTIONMENT

#### NEW SECTION

**WAC 392-121-400 PAYMENT OF BASIC EDUCATION ALLOCATION FUNDS.** From the basic education allocation funds appropriated to the superintendent of public instruction, the superintendent shall make twelve monthly payments during each school year pursuant to RCW 28A.48.010 to each school district operating a program approved by the state board of education: PROVIDED, That each school district submits data in a timely manner as requested by the superintendent of public instruction.

Initial monthly payments shall be based on estimates of such data as the superintendent of public instruction deems necessary to commence payment for the school year, such estimates to be submitted by school districts to the educational service districts or superintendent of public instruction on forms provided by the superintendent of public instruction. The latest date on which a school district may make changes in these data shall be the date on which the school district files its budget with the educational service district.

As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time equivalent students enrolled, district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule, other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction. The superintendent of public instruction annually shall advise each school district and educational service district of the dates on which data are required to be submitted to educational service districts or the superintendent of public instruction and dates on which payments will be made to school districts.

#### NEW SECTION

**WAC 392-121-405 TERMINATION OF AN INTERDISTRICT COOPERATIVE AGREEMENT.** Any school district that terminates an interdistrict cooperative agreement established pursuant to chapter 392-135 WAC for which the superintendent of public instruction executes a transfer of basic education funds for apportionment purposes shall inform the superintendent of public instruction and the serving district of the termination in writing. The superintendent of public instruction shall adjust the involved districts' apportionment after the written notification of termination has been received.

#### NEW SECTION

**WAC 392-121-415 BASIC EDUCATION ALLOCATION—DEDUCTIBLE REVENUES.** In addition to those funds appropriated by the legislature for basic education allocation purposes, the deductible revenues expressly identified in RCW 28A.41.130 and the following deductible general fund revenues shall be included in the computation of the total annual basic education allocation of each school district pursuant to RCW 28A.41.130 and 28A.41.140:

(1) Proceeds from the sale of tax title real property managed by a county or of property rights appurtenant thereto;

(2) Proceeds from the sale, rental or lease of stone, minerals, timber, forest products, other crops and matter, and improvements from or on tax title real property managed by a county;

(3) Proceeds from state forests;

(4) Federal in lieu of tax payments; and

(5) County in lieu of tax payments.

Otherwise deductible revenues from any of the foregoing sources received by a school district due solely to the district's levy of a capital projects fund or debt service fund excess tax levy shall constitute non-general fund revenues and shall not be deducted in the computation of the district's annual basic education allocation for that school year.

#### NEW SECTION

**WAC 392-121-420 BASIC EDUCATION ALLOCATION—FEDERAL FOREST FUNDS.** The superintendent of public instruction shall distribute federal forest funds pursuant to RCW 28A.02.310 and 28A.41.130.

#### NEW SECTION

**WAC 392-121-425 BASIC EDUCATION ALLOCATION DURING STRIKE.** Unless a school district's program is disapproved in accordance with WAC 180-16-162 through 180-16-164, basic education allocations shall continue for the period of a strike.

#### NEW SECTION

**WAC 392-121-430 KINDERGARTEN AND GRADE ONE THROUGH TWELVE PROGRAMS CONSIDERED COLLECTIVELY—FAILURE TO OPERATE AN APPROVED PROGRAM—DENIAL OF APPORTIONMENT.** For the purpose of this chapter, a school district's scheduled kindergarten and grade one through twelve programs shall be considered collectively. The total program of a district may not be subdivided for the purpose of applying program approval standards. Those school days which are conducted during the period of a strike following transmittal of a notice of disapproval shall be discounted for state basic education entitlement purposes at the rate of one hundred-eightieth of the district's basic education entitlement for the school year per school day: PROVIDED, That kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with

minimum school day requirements and any loss of basic education entitlement.

#### NEW SECTION

**WAC 392-121-440 EMERGENCY ADVANCE PAYMENTS.** A school district may petition the superintendent of public instruction for an emergency advance on the district's basic education allocation not to exceed ten percent of the total amount to become due and apportionable to the district from September 1 through June 30 of the school year. Emergency advances may be granted under the following conditions:

(1) It is probable that the district will be on an interest-bearing, warrant-issuing basis two months following the petition if an advance is not paid.

(2) It is probable that the district will be on warrant interest for at least three months during the period September through June if an advance is not paid.

(3) The district shall not have cash investments of the general fund or an interfund loan from the general fund during the months it expects to be on warrant interest.

(4) The board of directors of the school district has adopted a petition for the emergency advance which sets forth the following:

(a) The nature of the emergency requiring the advance;

(b) The net cash balance of the general fund as of the date of petition;

(c) A forecast of the general fund net cash balance for each month remaining in the fiscal year; and

(d) The percentage requested to be advanced.

#### NEW SECTION

**WAC 392-121-442 FORFEITURE OF EARNINGS ON EMERGENCY ADVANCE.** The superintendent of public instruction shall deduct from a school district's basic education allocation apportionment entitlement the amount of any earnings by the school district on the investment of a temporary cash surplus due to a previously obtained emergency advance.

#### NEW SECTION

**WAC 392-121-445 PROCEDURE FOR CREDITING PORTION OF BASIC EDUCATION ALLOCATION FOR CAPITAL PURPOSES IN SCHOOL DISTRICTS.** If a local school district board of directors wishes to direct a portion of the district's annual basic education allocation to the school district's capital projects fund or debt service fund pursuant to RCW 28A.41.143, the district board shall execute a resolution requesting the superintendent of public instruction to pay a portion of that allocation to the credit of the district's capital projects fund and/or debt service fund. Such board resolutions should specify the justification in detail and the dollar amount to be credited to the capital projects fund and/or debt service fund. Such resolution should be received by the superintendent of public instruction on or before the tenth of the month when payment to the building and capital projects fund and/or bond interest and redemption fund is to begin. Without a properly executed resolution, the superintendent of public instruction shall pay all state apportionment due and apportionable to the credit of the school district's general fund. Such moneys paid to any fund pursuant to this section cannot be subsequently transferred to the credit of another fund.

Resolutions requesting the superintendent of public instruction to direct a portion of the district's basic education allocation to the capital projects fund and/or the debt service fund will not be approved by the superintendent of public instruction if the loss of general fund revenue to the district will result in an out-of-balance general fund budget. Any school district that would have an out-of-balance general fund budget after the potential loss of general fund revenue which would result from such a redirection of revenue shall revise the general fund budget document to be in balance following appropriate budget modification or extension procedures in order for the superintendent of public instruction to approve the resolution. A budget modification or extension may be necessary for the capital projects fund and/or debt service fund.

Upon approval of the resolution by the superintendent of public instruction, payments will commence to the capital projects fund and/or debt service fund in accordance with the apportionment schedule set forth in RCW 28A.48.010. Such payments shall reduce general fund

apportionment payments by the full amount of the approved resolution in the month payment begins. If the amount of the approved resolution exceeds the entire monthly apportionment payment in the month payment begins, the entire apportionment payment will be paid to the fund(s) designated in the resolution until the amount of the approved resolution is paid, subject to moneys available in the district's basic education allocation.

#### NEW SECTION

**WAC 392-121-460 FIRE DISTRICT ALLOCATION.** In addition to those moneys distributed for basic education purposes, school districts are entitled per RCW 52.30.020 to be reimbursed for moneys expended for the purchase of fire protection services from fire protection districts. Only school plants located in a fire protection district established pursuant to Title 52 RCW shall be eligible for such moneys.

Payment to districts shall be made each July as a part of the monthly apportionment allocation.

The headcount enrollment used to compute each district's reimbursement will be as of October 1 of the school year for which the allocation is being made. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any moneys allocated to school districts for the purpose stated in this rule and not used for this purpose shall be recovered by the superintendent of public instruction from a district's monthly apportionment allocation.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-121-101 AUTHORITY.
- WAC 392-121-103 PURPOSE.
- WAC 392-121-105 DEFINITIONS—ENROLLED AND FULL-TIME EQUIVALENT STUDENT.
- WAC 392-121-110 ADDITIONAL DEFINITIONS.
- WAC 392-121-115 DEFINITIONS—CERTIFICATED AND CLASSIFIED EMPLOYEES—FULL-TIME EQUIVALENT.
- WAC 392-121-120 DEFINITION—LEAP DOCUMENT 1.
- WAC 392-121-121 DEFINITION—CERTIFICATED STAFF MIX FACTOR.
- WAC 392-121-125 DEFINITION—DISTRICT CERTIFICATED STAFF MIX FACTOR.
- WAC 392-121-126 DEFINITION—SYSTEM-WIDE CERTIFICATED STAFF MIX FACTOR.
- WAC 392-121-127 PRORATION OF SCHOOL DISTRICT CERTIFICATED STAFF MIX FACTOR.
- WAC 392-121-128 DEFINITION—CLASSIFIED INCREMENT MIX FACTOR.
- WAC 392-121-129 DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR.
- WAC 392-121-130 DEFINITION—CERTIFICATED YEARS OF EXPERIENCE.
- WAC 392-121-131 DEFINITION—CLASSIFIED YEARS OF EXPERIENCE.
- WAC 392-121-135 DEFINITION—HIGHEST DEGREE LEVEL.
- WAC 392-121-140 DEFINITION—CREDITS EARNED SINCE HIGHEST DEGREE.
- WAC 392-121-145 PLACEMENT OF NONDEGREE CERTIFICATED PERSONNEL ON LEAP DOCUMENT 1.
- WAC 392-121-150 PLACEMENT OF CERTIFICATED STAFF WITH DEGREES ON CERTIFICATED STAFF MIX TABLE.
- WAC 392-121-155 PLACEMENT ON CERTIFICATED STAFF MIX TABLE—DOCUMENTATION REQUIRED.
- WAC 392-121-160 REPORTING REQUIREMENTS—GENERAL.
- WAC 392-121-165 PAYMENT OF BASIC EDUCATION ALLOCATION FUNDS.
- WAC 392-121-170 BASIC EDUCATION ALLOCATION—RESIDENT AND NONRESIDENT STUDENTS.
- WAC 392-121-175 BASIC EDUCATION ALLOCATION—DEDUCTIBLE REVENUES.
- WAC 392-121-176 BASIC EDUCATION ALLOCATION DURING STRIKE.

WAC 392-121-177 KINDERGARTEN AND GRADE ONE THROUGH TWELVE PROGRAMS CONSIDERED COLLECTIVELY—FAILURE TO OPERATE AN APPROVED PROGRAM—DENIAL OF APPORTIONMENT.

WAC 392-121-180 ENROLLMENT TIME CREDIT-OFF-CAMPUS—ALTERNATIVE LEARNING EXPERIENCES—STUDY TIME—NATIONAL GUARD—ABSENCES.

WAC 392-121-185 ADVANCE PAYMENTS—EMERGENCY.

WAC 392-121-186 PROCEDURE FOR CREDITING PORTION OF BASIC EDUCATION ALLOCATION FOR CAPITAL PURPOSES IN SCHOOL DISTRICTS.

WAC 392-121-190 REPORTING REQUIREMENTS.

WAC 392-121-195 FIRE DISTRICT ALLOCATION.

**WSR 87-22-076**

**ADOPTED RULES**

**DEPARTMENT OF NATURAL RESOURCES**

[Order 521—Filed November 4, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this notice proposes to amend one section and to add a new section to chapter 332-140 WAC. The rules in WAC 332-140-200 et seq. concern the indexing of stumpage rates to be paid on certain state timber sales sold on or after October 1, 1983, and implement RCW 79.01.126. The purpose of the changes is to specify the effect of the expiration of RCW 79.01.126 on sales sold prior to the expiration date.

This action is taken pursuant to Notice No. WSR 87-19-142 filed with the code reviser on September 23, 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 79.01.126 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED November 3, 1987.

By Brian J. Boyle  
Commissioner of Public Lands

**AMENDATORY SECTION** (Amending Order 401, filed 8/26/83)

WAC 332-140-200 INTRODUCTION AND DEFINITIONS. (1) Implementation of RCW 79.01.126. These regulations, WAC 332-140-200 through WAC 332-140-((230))240, are promulgated by the department of natural resources for the purpose of implementing RCW 79.01.126, which provides for the adjustment of contract bid prices on timber sales sold on a scale basis having a minimum appraisal value over twenty thousand dollars and which are auctioned on or after October 1, 1983 but before October 1, 1987. Stumpage rate adjustment shall apply only to major species of timber removed.

(2) Definitions. As used in these regulation and in RCW 79.01.126, where applicable:

(a) "Coast publication" means the market indexes published by the Western Woods Products Association in its publication known as the PNW Coast Lumber Price Index.

(b) "Inland publication" means the market indexes published by the Western Wood Products Association in its publication known as the Inland Lumber Price Index.

(c) "Contract bid price" for a given species of timber means the price for that species bid by the purchaser or set in the contract where bidding is not allowed on that species.

(d) "Department" means the department of natural resources.

(e) "Market index change amount" means the same in these regulations as it is defined in RCW 79.01.126(2).

(f) Timber "removed" means and includes only timber that is taken from the sale area.

(g) "Timber removed during a calendar quarter" shall be determined using the date the timber removed is scaled as provided for in the contract.

**NEW SECTION**

WAC 332-140-240 EFFECT OF EXPIRATION OF RCW 79.01.126. Although RCW 79.01.126 will cease to be effective October 1, 1987, the regulations concerning stumpage rate adjustment will continue to apply to sales auctioned during the effective dates of RCW 79.01.126. The regulations will not apply to sales auctioned on or after October 1, 1987.

**WSR 87-22-077**

**PROPOSED RULES**

**DEPARTMENT OF REVENUE**

[Filed November 4, 1987]

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

- Amd WAC 458-20-108 Returned goods, allowances, cash discounts.
- Amd WAC 458-20-168 Hospitals, medical care facilities, and adult family homes.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 15, 1987.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapters 19.118 and 82.32 RCW, as extended by chapter 344, Laws of 1987, as yet uncodified, chapter 82.04 RCW, as specifically added to by chapter 4, Laws of 1987 1st ex. sess., as yet uncodified.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

Dated: November 4, 1987  
By: Greg Pierce  
Deputy Director

## STATEMENT OF PURPOSE

Title: WAC 458-20-108 Returned goods, allowances, cash discounts.

Description of Purpose: To implement the provisions of chapter 344, Laws of 1987, which provides, in pertinent parts, for direct refunds of retail sales tax by manufacturers to purchasers of new motor vehicles under warranty which are repurchased by the manufacturer, and refund of such sales tax directly to such manufacturer by the department based upon certain proofs being submitted. To reformat the rule for internal consistency and ease of identification of its subsections and parts.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: Chapters 19.118 and 82.32 RCW, as extended by chapter 344, Laws of 1987, as yet uncodified.

Reasons Supporting Proposed Action: The rule presently governs returned goods which are defective and it is the appropriate administrative rule for amendment to include the strictly procedural reporting requirements for securing sales tax refunds directly to manufacturers of defective vehicles which are repurchased by such manufacturers. These are straight forward, ministerial, and nonsubstantive incorporations of statutory law and recordkeeping requirements which do not require public hearing.

Title: WAC 458-20-168 Hospitals, medical care facilities, and adult family homes.

Description of Purpose: To implement chapter 4, Laws of 1987 1st ex. sess., which provides a business and occupation tax exemption for gross income derived by adult family homes and provides the definition of the term "adult family homes" for purposes of the exemption. To reformat the WAC rule for consistency and ease of identification.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: Chapter 82.04 RCW, as specifically added to by chapter 4, Laws of 1987 1st ex. sess., as yet uncodified.

Reasons Supporting Proposed Action: This rule generally implements other existing tax exemptions for in-patient medical and health care facilities. It is the appropriate rule for the straight forward inclusion of the new tax exemption for adult family homes. The rule also requires internal restructuring in line with the department's established numbering and lettering identification system. These changes are strictly ministerial and non-substantive, requiring no public hearing.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-108 RETURNED GOODS, ALLOWANCES, CASH DISCOUNTS. (1) When a contract of sale is made subject to cancellation at the option of one of the parties or to revision in the

event the goods sold are defective or if the sale is made subject to cash or trade discount, the gross proceeds actually derived from the contract and the selling price are determined by the transaction as finally completed.

(2) RETURNED GOODS. When sales are made either upon approval or upon a sale or return basis, and the purchaser returns the property purchased and the entire selling price is refunded or credited to the purchaser, the seller may deduct an amount equal to the selling price from gross proceeds of sales in computing tax liability, if the amount of sales tax previously collected from the buyer has been refunded by the seller to the buyer. If the property purchased is not returned within the guaranty period as established by contract or by customs of the trade, or if the full selling price is not refunded or credited to the purchaser, a presumption is raised that the property returned is not returned goods but is an exchange or a repurchase by the vendor.

To illustrate: S sells an article for \$60.00 and credits his sales account therewith. The purchaser returns the article purchased within the guaranty period and the purchase price and the sales tax theretofore paid by the buyer is refunded or credited to him. S may deduct \$60.00 from the gross amount reported on his tax return.

(3) DEFECTIVE GOODS. When bona fide refunds, credits or allowances are given within the guarantee period by a seller to a purchaser on account of defects in goods sold, the amount of such refunds, credits or allowances may be deducted by the seller in computing tax liability, if the proportionate amount of the sales tax previously collected from the buyer has been refunded by the seller.

To illustrate: S sells an article to B for \$60.00 and credits his sales account therewith. The article is later found to be defective.

(a) S gives B credit of \$50.00 on account of the defect, and also a credit of sales tax collectible on that amount. S may deduct \$50.00 from the gross amount reported in his tax returns. This is true whether or not B retains the defective article.

(b) B returns the article to S who gives B an allowance of \$50.00 on a second article of the same kind which B purchases for an additional payment of \$10.00, plus sales tax thereon. S may deduct \$50.00 from the gross amount reported in his tax returns. The sale of the second article, however, must be reported for tax purposes as a \$60.00 sale and included in the gross amount in his tax return.

(c) B returns the article to S who replaces it with a new article of the same kind free of charge, and without sales tax. S may deduct \$60.00 from the gross amount reported in his tax returns, but the \$60.00 selling price of the substituted article must be reported in the gross amount.

No deduction is allowed from the gross amount reported for tax if S in ((<sup>a</sup> and <sup>c</sup> above)) (b) and (c) of this subsection, does not credit his sales account with the selling price of the new article furnished to replace the defective one, but instead merely credits the sales account with an amount equal to the additional payment received, if any. In such case, the allowance for the defect is already shown in the sales account by the reduced sales price of the new article.

(4) MOTOR VEHICLE WARRANTIES. In the 1987 session, the Washington legislature enacted a "lemon law" creating enforcement provisions for new motor vehicle warranties. A manufacturer which repurchases a new motor vehicle under warranty because of a defective condition is required to refund to the consumer the "collateral charges" which include retail sales tax. The refund shall be made to the consumer by the manufacturer or by the dealer for the manufacturer. The department will then credit or refund the amount of the tax so refunded.

EVIDENCE. To receive a credit or refund, the manufacturer or dealer must provide evidence that the retail sales tax was collected by the dealer and that it was refunded to the consumer. Acceptable proof will be:

(a) A copy of the dealer invoice showing the sales tax was paid by the consumer; and

(b) A signed statement from the consumer acknowledging receipt of the refunded tax. The statement should include the consumer's name, the date, the amount of the tax refunded, and the name of the dealer or the manufacturer making the refund.

(5) DISCOUNTS. The selling price of a service or of an article of tangible personal property does not include the amount of bona fide discounts actually taken by the buyer and the amount of such discount may be deducted from gross proceeds of sales providing such amount has been included in the gross amount reported.

(a) Discounts are not deductible under the retail sales tax when such tax is collected upon the selling price before the discount is taken and no portion of the tax is refunded to the buyer.

(b) Discount deductions will be allowed under the extracting or manufacturing classifications only when the value of the products is determined from the gross proceeds of sales.

(c) Patronage dividends which are granted in the form of discounts in the selling price of specific articles (for example, a rebate of one cent per gallon on purchases of gasoline) are deductible. (Some types of patronage dividends are not deductible. See WAC 458-20-219.)

**AMENDATORY SECTION** (Amending Order 87-1, filed 2/18/87)

WAC 458-20-168 HOSPITALS (~~AND~~), MEDICAL CARE FACILITIES, AND ADULT FAMILY HOMES. (1) DEFINITIONS.

(a) The term "hospital" means only institutions defined as hospitals in chapter 70.41 RCW.

(b) The term "nursing home" means only institutions defined as nursing homes in chapter 18.51 RCW.

(c) The term "adult family home" means private homes licensed by the department of social and health services as adult family homes (see WAC 388-76-030(2)), and those which are specifically exempt from licensing under the rules of the department of social and health services. (See WAC 388-76-140.)

(2) BUSINESS AND OCCUPATION TAX. The gross income derived from personal and professional services of hospitals, nursing homes, convalescent homes, clinics, rest homes, health resorts, and similar health care institutions is subject to business and occupation tax under the service and other activities classification. The retailing business and occupation tax applies to sales by such persons of tangible personal property sold and billed separately from services rendered.

(3) EXEMPTION. The gross income derived from personal and professional services of adult family homes which are licensed as such, or which are specifically exempt from licensing under the rules of the department of social and health services, is exempt from the business and occupation tax effective June 9, 1987.

(4) DEDUCTIONS.

(a) Hospitals operated by the United States or its instrumentalities or the state of Washington or its political subdivisions may deduct amounts derived as compensation for medical services to patients and sales of prescription drugs and medical supplies furnished as an integral part of such services. (See RCW 82.04.4288.)

(b) Other hospitals operated as nonprofit corporations as well as nursing homes and homes for unwed mothers operated as religious or charitable organizations may also deduct the amounts described in subsection (a) above (see RCW 82.04.4289), provided that:

(i) No part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder; and

(ii) No deduction will be allowed under (a) of this subsection, unless written evidence is submitted to the department of revenue showing that the hospital building is entitled to exemption from taxation under the property tax laws of this state.

(c) In computing tax liability there may be deducted from gross income so much thereof as was derived from bona fide contributions, donations and endowment funds. (See WAC 458-20-114.)

~~((4))~~ (5) RETAIL SALES TAX. Retail sales which are subject to retailing business tax, as provided earlier, are also subject to retail sales tax.

~~((5))~~ (6) EXEMPTIONS. Sales of drugs, medicines, prescription lenses, orthotic devices, medical oxygen, or other substances, prescribed by medical practitioners are exempt of retail sales tax where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained, and such sales are separately accounted for. Sales of prosthetic devices, hearing aids as defined in RCW 18.35.010(3), and ostomic items whether or not prescribed are also exempt of sales tax. See WAC 458-20-18801.

~~((6))~~ (7) Sales of medical supplies, durable equipment, and consumables, but excluding prosthetic devices and ostomic items, to hospitals and nursing homes for their own use in providing personal or professional services are subject to the retail sales tax, irrespective of whether or not such hospitals or nursing homes are subject to the business tax.

(For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)

**WSR 87-22-078**

**PROPOSED RULES**

**DEPARTMENT OF REVENUE**

[Filed November 4, 1987]

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

Amd WAC 458-20-176 Commercial deep sea fishing—Commercial passenger fishing—Diesel fuel.  
Amd WAC 458-20-217 Lien for taxes;

that the agency will at 9:30 a.m., Tuesday, December 8, 1987, in the Revenue Conference Room, 415 General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 15, 1987.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapters 82.08 and 82.12 RCW, as expanded by chapter 494, Laws of 1987, as yet uncoded, RCW 82.32.235 and new sections of chapter 82.32 RCW, as provided by chapters 208 and 245, Laws of 1987, as yet uncoded.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

Dated: November 4, 1987

By: Greg Pierce  
Deputy Director

**STATEMENT OF PURPOSE**

Title: WAC 458-20-176 Commercial deep sea fishing—Commercial passenger fishing—Diesel fuel.

Description of Purpose: To implement the provisions of chapter 494, Laws of 1987, which provides retail sales tax and use tax exemptions for purchases and uses of diesel fuel by persons engaged in commercial deep sea fishing outside Washington territorial waters. To define terms and to provide for certifications to be taken by diesel fuel sellers establishing buyers' entitlements to the exemptions. To reformat the rule to comply with the section and parts identification system being implemented in all Department of Revenue rules.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: Chapters 82.08 and 82.12 RCW, as expanded by chapter 494, Laws of 1987, as yet uncoded.

Reasons Supporting Proposed Action: The statutory exemptions must be codified into the administrative rule which already administers other commercial deep sea fishing tax provisions. The evidences of entitlement and procedures for claiming the exemptions must be provided to assure consistency and uniformity of application. The rule must be reformatted to conform with the established paragraph numbering and lettering system.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building,

Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

Title: WAC 458-20-217 Lien for taxes.

Description of Purpose: To implement chapters 208 and 245, Laws of 1987, which both amended chapter 82.32 RCW and added new sections to that chapter providing for service of tax collection process by mail and for personal liability of entrusted corporate officers for retail sales tax collected and held in trust but not paid to the state. To provide definitions and establish procedures for payment and collection of sales tax under trust fund accountability. To internally reorganize and reformat the administrative rule.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.32.235 and new sections of chapter 82.32 RCW, as provided by chapters 208 and 245, Laws of 1987, as yet uncodified.

Reasons Supporting Proposed Action: This administrative rule implements enforcement provisions and tax collection methods and procedures provided by law. It must be expanded to include the new provisions for service of withhold and deliver orders by mail, and the new payment and collection provisions governing sales tax trust fund accountability by corporate officers. The rule requires reformatting to conform with the uniform numbering and lettering system for internal identification.

Agency Personnel Responsible for Drafting and Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

**AMENDATORY SECTION** (Amending Order ET 83-16, filed 3/15/83)

WAC 458-20-176 ~~((PERSONS ENGAGED IN THE BUSINESS OF CONDUCTING COMMERCIAL DEEP SEA FISHING OPERATIONS OUTSIDE THE TERRITORIAL WATERS OF WASHINGTON)) COMMERCIAL DEEP SEA FISHING—COMMERCIAL PASSENGER FISHING—DIESEL FUEL.~~ (1) DEFINITIONS. As used herein:

~~((The terms "such persons" and "such businesses" mean the persons and businesses described in the title of this rule.))~~ (a) "Commercial deep sea fishing" means fishing done for profit outside the territorial waters of the state of Washington. ((The terms do)) It does not include sport ~~((fishermen nor persons operating))~~ fishing or the operation of charter boats for sport fishing. (See WAC 458-20-183 for tax liability of such persons.) Nor ~~((do))~~ does the ~~((terms))~~ phrase include persons who operate or purchase watercraft for kelping, purse seining, or gill netting, because such fishing methods can be legally engaged in only within the territorial waters of the state (the three-mile limit). Therefore, watercraft rigged for fishing by any of these methods will be deemed for use in other than commercial deep sea fishing.

~~((The term))~~ (b) "Watercraft" means every type of floating equipment which is designed for the purpose of carrying therein or therewith fishing gear, fish catch or fishing crews, and used primarily in commercial deep sea fishing operations ((outside the territorial waters of the state of Washington)).

~~((The term))~~ (c) "Component part" includes all tangible personal property which is attached to and a part of a watercraft. It includes dories, gurdies and accessories, bait tanks, baiting tables and turntables. It also includes spare parts which are designed for ultimate attachment to a watercraft. The said term does not include equipment or furnishings of any kind which are not attached to a watercraft, nor does it include consumable supplies. Thus it does not include, among

other things, bedding, table and kitchen wares, fishing nets, hooks, lines, floats, hand tools, ice, fuel or lubricants.

(d) "Commercial passenger fishing" means that done from charter boats for sport outside the territorial waters of the state of Washington.

(2) BUSINESS AND OCCUPATION TAX.

~~((Such))~~ (a) Persons engaged in commercial deep sea fishing are not taxable under the extracting classification with respect to catches obtained outside the territorial waters of this state.

(b) Such persons are taxable under either the retailing or the wholesaling classification with respect to sales made within this state, unless entitled to exemption by reason of the commerce clauses of the federal constitution. (See WAC 458-20-193.)

(3) RETAIL SALES TAX.

(a) By reason of the exemption contained in RCW ~~((82.08.030(1)))~~ 82.08.0262, the retail sales tax does not apply upon sales of watercraft (including component parts thereof) which are primarily for use in conducting commercial deep sea fishing operations ~~((outside the territorial waters of this state)),~~ nor does said tax apply to sales of or charges made for labor and services rendered in respect to the constructing, repairing, cleaning, altering or improving of such property.

(b) The retail sales tax applies upon sales made to ~~((such))~~ persons engaged in commercial deep sea fishing of every other type of tangible personal property and upon sales of or charges made for labor and services rendered in respect to the construction, repairing, cleaning, altering or improving of such other types of property. Thus, the retail sales tax applies upon sales to such persons of such things as fishing nets, hooks, lines, floats and bait; table and kitchen wares; hand tools, ice, fuel except diesel fuel as noted below, and lubricants for use or consumption, except only sales of watercraft and component parts thereof. For sales of food products see WAC 458-20-119 and 458-20-244.

(4) EXEMPTION CERTIFICATES REQUIRED.

(a) Persons selling watercraft or component parts thereof to ~~((such))~~ persons engaged in commercial deep sea fishing or performing services with respect to ~~((the same))~~ such craft or parts, are required to obtain from the purchaser a certificate evidencing the exempt nature of the transaction. This certificate must identify the purchaser by name and address, and by name of the watercraft with respect to which the purchase is made, and must contain a statement to the effect that the property purchased or repaired is for use primarily in commercial deep sea fishing operations.

(b) The certificate should be in substantially the following form:

EXEMPTION CERTIFICATE

I HEREBY CERTIFY that the ..... this day ordered from or purchased from you, will be used primarily in commercial deep sea fishing operations outside the territorial waters of the State of Washington; that the vessel is not for fishing inside such territorial waters, and is not rigged or equipped for such fishing; that the registered name of the ~~((water-craft))~~ watercraft to which said purchase applies is (name of fishing boat); and that said sale is entitled to exemption under the provisions of RCW 82.08.0262.

Dated ....., 19...

..... (Name of Purchaser)

By ..... (Name of officer or agent)

Address .....

(c) Incidental use within the waters of this state of fishing boats which are used primarily in deep sea fishing operations, will not deprive the owners thereof of the statutory exemption from the retail sales tax.

(d) In the event the fishing boat with respect to which an exemption is claimed is of a type used in the waters of Puget Sound or the Columbia River and the tributaries thereof, and is not practical for use in deep sea fishing, sellers should collect the retail sales tax upon all sales of such boats and component parts thereof and upon charges made for the repair of the same.

(e) It is a gross misdemeanor for a buyer to make a false certificate of exemption for the purpose of avoiding the tax.

(5) USE TAX.

(a) The use tax does not apply upon the use of watercraft or component parts thereof.



(b) The use tax does apply upon the actual use within this state of all other types of tangible personal property purchased at retail and upon which the sales tax has not been paid (see WAC 458-20-178) except on diesel fuel as noted below.

(6) DIESEL FUEL.

(a) The law provides for sales and use tax exemptions on diesel fuel for both commercial passenger fishing (charter boats for sport fishing) and commercial deep sea fishing operations.

(b) Neither retail sales nor use tax applies with respect to sales or use of diesel fuel in the operation of watercraft in commercial deep sea fishing operations or commercial passenger fishing operations by persons who are regularly engaged in the business of such operations outside the territorial waters (three-mile limit) of this state. For purposes of this exemption a person is not regularly engaged in either business if the person has gross receipts from the extra territorial operations of less than five thousand dollars a year. For persons involved in both commercial deep sea fishing operations and commercial passenger fishing operations, the receipts from both shall be added together to determine eligibility for this exemption.

(c) DIESEL FUEL EXEMPTION CERTIFICATES REQUIRED. Persons selling diesel fuel to such persons are required to obtain from the purchaser a certificate evidencing the exempt nature of the transaction. This certificate must identify the purchaser by name and address, and by the registered name and number of the watercraft with respect to which the purchase is made. It must contain a statement to the effect that the diesel fuel is for use by a person who is engaged in commercial deep sea fishing and/or commercial passenger fishing operations who has annual gross receipts therefrom of at least five thousand dollars. A seller of diesel fuel who accepts such a certificate in good faith shall not be liable for sales tax on the diesel fuel sold. Certificates must be retained by the sellers in their permanent records as evidence of the exempt nature of diesel sales to eligible buyers. It is a gross misdemeanor for a buyer to make a false certificate of exemption for the purpose of avoiding the tax.

(d) The certificate should be in substantially the following form:

DIESEL FUEL EXEMPTION CERTIFICATE

I HEREBY CERTIFY that diesel fuel which I will purchase from (name of dealer) will be used in the operation of a watercraft which is used in commercial deep sea or commercial passenger fishing operations outside the territorial waters of the state of Washington; that the registered name and number of the watercraft to which said purchase applies is (registered vessel name and number); that the owner(s) of said vessel has gross income, based on federal income tax returns, of not less than five thousand dollars a year from such extra territorial fishing operations; and that said sales are entitled to exemption under the provisions of chapter 494, Laws of 1987.

Dated ....., 19...  
.....  
(Name of Purchaser)  
By .....  
(Name of officer or agent)  
Address .....

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-217 LIEN FOR TAXES. (1) Any tax due and unpaid, and all increases and penalties thereon, constitute a debt to the state and may be collected by court proceedings in the same manner as any other debt, which remedy is in addition to any and all other remedies.

(2) TAX WARRANTS. When a warrant issued under RCW 82.32.210 and 82.32.220 has been filed with the clerk of the superior court and entered in the judgment docket, the warrant becomes a specific lien upon all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer, including property owned by third persons who have a beneficial interest, direct or indirect in the operation thereof, and no sale or transfer of such personal property in any way affects the lien. However, the lien is not superior to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than securing the payment of a debt or the receiving of a regular rental on equipment; provided that "bona fide interest of third persons"

shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as the trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction.

(a) Thus, where an oil company leases a filling station and other equipment to an operator under conditions whereby the operator is required to sell, or does sell, the products of the lessor, the lien will attach to the personal property leased by the oil company. Likewise, where the owner of a tavern grants to another a concession to operate the lunch counter therein, the lien for unpaid taxes, increases, and penalties with respect to the operation of the lunch counter will attach to any equipment, fixtures, or other personal property owned by the tavern keeper but used by the concessionaire in the conduct of the business. Similarly, the lien attaches to a stock of merchandise supplied to a dealer by a distributor, manufacturer, bank or finance company whether on consignment or under a security agreement where it appears that the distributor, manufacturer, bank or finance company has financed the dealer by means of capital loans or has in any other way aided or assisted in maintaining the dealer in business. The amount of the warrant also becomes a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued and is the same as a judgment in a civil case docketed in the office of the clerk.

(b) Warrants so docketed are sufficient to support the issuance of writs of garnishment in favor of the state, provided the taxpayer has not been denied an opportunity to be heard regarding the assessment.

(3) WITHHOLD AND DELIVER. The department of revenue is authorized to issue to any person, or to any political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when there is reason to believe that there is in the possession of such person, political subdivision or department, property which is or shall become due, owing or belonging to any taxpayer against whom a warrant has been filed. The notice and order to withhold and deliver shall constitute a continuing levy on such property until the department shall issue its release of such levy.

(a) The notice and order to withhold and deliver may be served by the sheriff of the county wherein service is made, or by his deputy, or by any authorized representative of the department of revenue. The notice and order to withhold and deliver may also be served by certified mail, return receipt requested, by the sheriff, deputy, or authorized representative of the department. Persons upon whom service has been made are required to answer the notice within twenty days exclusive of the day of service. The answer must be under oath and in writing. If such answer states that it cannot be presently ascertained whether, in fact, any property is or shall become due, owing, or belonging to such taxpayer, the persons served herein are required to further answer when such fact can be ascertained with reasonable certainty.

(b) Property which may be subject to the claim of the department must be delivered forthwith to the department or its duly authorized representative upon demand, to be held in trust by the department for application on the indebtedness involved, or for return, without interest, in accordance with final determination of liability. In the alternative, there must be furnished a good and sufficient bond satisfactory to the department conditioned upon final determination of liability.

(c) Failure of any person to make answer to an order to withhold and deliver within the prescribed time permits the court to render a judgment by default for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

(4) PROBATE, INSOLVENCY, ASSIGNMENT FOR THE BENEFIT OF CREDITORS, OR BANKRUPTCY. In all ((the above)) of these cases the claim of the state for unpaid taxes and increases and penalties thereon is a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions is sufficient to create the lien without any prior or subsequent action by the state, and in all such cases it is the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the department of the existence thereof within thirty days from the date of their appointment and qualification. In the event such notice is not timely given, such persons become personally liable for the payment of the taxes and all increases and penalties.

The lien attaches as of the date of assignment or of the initiation of court proceedings, but shall not affect the validity or priority of any earlier lien that may have attached previously in favor of the state under any other provision of the Revenue Act.

(5) PUBLIC IMPROVEMENT CONTRACTS. The amount of all taxes, increases and penalties due or to become due under any chapter of the

Revenue Act from a contractor or his successors or assignees with respect to a public improvement contract wherein the contract price is \$20,000 or more is a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officers, and the amount of all other taxes, increases and penalties due and owing from the contractor is a lien upon the balance of such retained percentage after all other statutory lien claims have been paid.

Any state, county or municipal officer charged with the duty of disbursing or authorizing the payment of public funds, before making final payment of the retained percentage to any person performing any such contract, or to his successors or assignees, must require the person to secure from the department a certificate that all taxes, increases and penalties due from such person, and all taxes to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the lien and that said lien is therefore released.

**(6) TRUST FUND ACCOUNTABILITY FOR RETAIL SALES TAX.**

**(a) BACKGROUND:** This rule is promulgated pursuant to RCW 82.32.300 which directs that the department of revenue has the authority to implement the provisions of RCW 82.32.237, effective May 1, 1987.

**(b) GENERALLY:** This rule implements legislation which is intended to enforce the timely remittance of retail sales tax to the department of revenue. The statute accomplishes that intent by imposing personal liability for retail sales tax collected by the retail seller upon those persons who (i) control or supervise the collection of retail sales tax and hold the same in trust pursuant to RCW 82.08.050 or (ii) are charged with the responsibility for the filing of returns or the payment to the state of retail sales tax held in trust.

**(c) DEFINITIONS:**

**(i) PERSON:** Person means "person" as defined in RCW 82.04.030. The use of the term person in the singular may mean persons or visa versa where appropriate in the circumstances or where the content requires the same.

**(ii) COLLECTED:** The term "collected" shall mean actually and physically controlled. A corporation shall be deemed to have actual and physical control if possession shall be in an agent of the corporation.

**(iii) TERMINATION:** The term "termination" means revocation of the corporation's certificate of registration, the first act of liquidation or distribution of corporate assets with the intent to cease any further business activity after liquidation or distribution, the filing of a petition in bankruptcy court for complete liquidation or any other act evidencing the intent to quit business or close business activity.

**(iv) ABANDONMENT:** The term "abandonment" means the officers, directors, and shareholders have relinquished all dominion and control of the corporate affairs and there is no one who acknowledges authority to act for or on behalf of the corporation.

**(v) DISSOLUTION:** The term "dissolution" means statutory dissolution pursuant to chapter 23A.28 RCW.

**(d) REQUIREMENTS FOR ASSESSMENT:** Before the department may assess trust fund accountability for retail sales tax held in trust, the statute requires that the underlying retail sales tax liability be that of a corporation. Second, there must also be a termination, dissolution or abandonment of the corporation. Third, the person against whom personal liability is sought willfully failed to pay or to cause to be paid retail sales tax collected and held in trust. Fourth, the person against whom personal liability is sought is a person who has control or supervision over the trust funds or is responsible for reporting or remitting the retail sales tax. Finally, there must be no reasonable means to collect the tax directly from the corporation.

**(e) PERSONS LIABLE:** Any person who controls or supervises the collection of retail sales tax or is charged with the responsibility for the filing of returns or the payment of retail sales tax collected and held in trust, may be personally liable to the state for the retail sales tax which was collected, held in trust, pursuant to RCW 82.08.050 and not paid over to the state. There may be more than one person liable under this statute if the requirements as to each are present.

**(i) "Control or supervision of the collection of retail sales tax"** shall mean the person who has the power and responsibility under corporate bylaws, job description or other proper delegation of authority (as established by written documentation or through a course of conduct) to collect, account and deposit the corporate revenue and to make payment of the retail sales tax to the department of revenue. The term means significant rather than exclusive control or supervision. Thus, the term shall not mean the sales clerk who actually collects the funds from the customer or the person whose only responsibility is to take control of the funds and deposit the same into the bank, but it shall

include the treasurer of the corporation if it is that person's responsibility to assure that the revenue is collected from the cash registers, tills or similar collection devices and that the amounts are deposited into the corporate account. It may also include the bookkeeper if the bookkeeper has the responsibility to collect, account and deposit the corporate revenue. In both examples, it is the treasurer or bookkeeper who have the significant control or supervision.

**(ii) "Responsibility for the filing of returns or the payment of the retail sales tax collected and held in trust"** shall mean the person who has the authority and discretion to file state excise tax returns and to determine which corporate debts should be paid. The person who signs the state excise tax returns or signs checks on behalf of or for the corporation may be a responsible party if that person also has the authority and discretion to determine which corporate debts should be paid. If the corporate account requires the signature of more than one person, then all such signatories may be a responsible party for trust fund accountability purposes. A member of the board of directors, a shareholder or an officer may also become a responsible party if the director, shareholder or officer actually approves the payment of corporate debts whereby the result of such approval is to pay the trust funds to someone other than the department of revenue.

**(f) EXTENT OF PERSONAL LIABILITY:** If a person is found personally liable for the retail sales tax held in trust, such person shall be liable for any retail sales tax held in trust including interest and penalties which have accrued or may be accruing on such taxes. The liability of such person shall be limited to only the retail sales tax held in trust (and the interest and penalties accruing thereon) for the time that the person had control or supervision over the retail sales tax collected or had responsibility for the filing of returns or the payment to the state of the retail sales tax held in trust.

**(i) The amount of liability assessable against a person for trust fund accountability shall be the amount of the retail sales tax actually collected and held in trust (during the period for which personal liability is sought) plus any penalties and interest accruing on said amount. For corporations who report state excise taxes on the accrual basis or corporations who report retail sales tax in accordance with "method three" of WAC 458-20-199, the amount of the personal liability shall be reduced by payments of retail sales tax actually remitted to the state but not yet collected from the customer.**

**(ii) If the department has determined that there is no reasonable means of collection of the tax directly from the corporation and the corporation holds property which has a readily ascertainable value, then the department shall reduce the amount of assessable personal liability by an amount that represents the fair market value of such corporate property. The fair market value determined by the department shall be rebuttable by a preponderance of the evidence through persons who are competent and otherwise qualified to give testimony as to value. The term "fair market value" shall have its usual and customary meaning less reasonable costs of liquidation, if applicable.**

**(g) WILLFULLY FAILS TO PAY OR TO CAUSE TO BE PAID:** The statute defines the term "willfully fails to pay or to cause to be paid" as an intentional conscious and voluntary course of action. The failure to pay over such tax must be the result of a willful failure to pay or to cause to be paid to the state any retail sales tax collected on retail sales by the corporation as opposed to retail sales tax due on the corporation's consumable items.

For example, if the treasurer knows that the retail sales tax must be remitted to the state on the twenty-fifth day of the following month, but rather than holding the funds for payment on the twenty-fifth, uses such funds to pay for any other obligation such as the payroll or additional inventory, such act is an intentional, conscious and voluntary course of action. If there are insufficient funds on the twenty-fifth day of the following month to pay over to the state, the treasurer will have willfully failed to pay or to cause to be paid retail sales tax held in trust.

**(h) CIRCUMSTANCES BEYOND THE CONTROL:** Any person, who shall otherwise meet the requirements for personal liability, shall not be personally liable if the failure to pay or to cause to be paid is the result of circumstances beyond the control of such person and that person has exercised good faith in collecting and attempting to hold the funds in trust. The following examples are provided for illustrative purposes only and they do not, in any way, limit the scope of the circumstances which may be beyond the control of the person against whom liability is sought. Each case will be determined in accordance with its particular facts and circumstances.

(i) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the Internal Revenue Service levies and seizes the money. Such occurrence is beyond the control of the person against whom personal liability is sought.

(ii) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the person learns that the business is the victim of an embezzler, the criminal act of which has been reported and duly documented by the local law enforcement authority. Such occurrence is beyond the control of the person against whom personal liability is sought.

(iii) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the bank in which the retail sales tax has been deposited exercises a right of offset and removes the money from the taxpayer's control. Such occurrence is beyond the control of the person against whom personal liability is sought.

(iv) Prior to the date for timely payment of the retail sales tax, the person against whom personal liability is sought agrees to a judgment against the corporation and allows the judgment creditor to garnish the funds held in trust and become a preferred creditor over the state. Such occurrence lacks good faith and is not beyond the control of the person against whom personal liability is sought.

(i) NO REASONABLE MEANS OF COLLECTION: Before the department is authorized to pursue personal liability for retail sales tax under the trust fund theory, the department must find that there is no reasonable means of collecting the retail sales tax directly from the corporation.

"No reasonable means of collection" shall mean that the burden to pursue the corporation's assets may outweigh the benefits to be achieved. Inconvenience of collection alone is insufficient to establish the absence of a reasonable means of collection. This standard, however, does not require that the department liquidate all assets of the corporation before it can pursue recourse under the theory of trust fund accountability. A lack of a reasonable means of collection is illustrated by the following examples. (These examples are used for illustration only and they shall not be considered the only circumstances under which the meaning of the phrase shall apply.)

(i) Assume that the corporation owned real estate upon which there were first and second mortgages. The value of the property may satisfy the first and second lien holders, but it is doubtful that, after costs of sale, there would be sufficient value remaining to satisfy all or a part of the trust fund liability. A reasonable means of collection is not present, because the cost to pursue the corporation's real property may produce no value with which to satisfy any or all of the liability.

(ii) Assume that the corporation owned miscellaneous office furniture and equipment. The value of the property is negligible. A reasonable means of collecting the tax is not present, because the burden to liquidate all assets in order to recover a negligible value outweighs the benefit of a few dollars to be recovered.

(j) NOTICE OF PERSONAL LIABILITY: The department shall give the person against whom personal liability is sought notice in accordance with RCW 82.32.130. The notice shall include the taxpayer's name as well as registration, tax assessment and tax warrant numbers, if any, of the corporation; the name of the person against whom the personal liability is sought; a statement that there is no reasonable means of collection and the reasons for such conclusion; and the capacity (control/supervision or responsible person) upon which the department seeks to base the personal liability.

(k) APPEAL OF TRUST FUND ACCOUNTABILITY ASSESSMENT: Any assessment issued under the authority of RCW 82.32.237, and this section shall have the right to proceed under WAC 458-20-100 and any other remedy found in RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.

rates for the Grays Harbor pilotage district, WAC 296-116-185;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in Room 3598, United States Federal Building, 35th Floor, 915 2nd Avenue, Seattle, WA 98104, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.035.

The specific statute these rules are intended to implement is RCW 88.16.035.

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

Dated: November 2, 1987

By: Marjorie T. Smitch  
Assistant Attorney General

STATEMENT OF PURPOSE

Rule: WAC 296-116-185.

Statutory Authority: RCW 88.16.035.

Reason for Amendment: May be amended to reflect a change in tariffs in 1988.

Implementation: This rule will be implemented by the Washington State Board of Pilotage Commissioners, Colman Dock, Seattle, WA 98104, (206) 464-7818.

Proposed: Rule is proposed by the Board of Pilotage Commissioners.

Agency Comments: None.

Federal Law/Court Decision: None.

Small Business Economic Impact Statement: None required.

AMENDATORY SECTION (Amending Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10, filed 12/19/86)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on January 19, ((+1987)) 1988.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$39.69 per meter (or \$12.10 per foot) and the tonnage charge shall be \$.1266 per net registered ton. The minimum net registered tonnage charge is \$443.00. The charge for an extra vessel (in case of tow) is \$253.00.

Boarding fee:

Per each boarding/deboarding from a boat ..... \$190.00  
Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage..... \$317.00  
Delays per hour ..... \$ 76.00  
Cancellation charge (pilot only)..... \$127.00

Cancellation charge (pilot boat only) ..... \$380.00

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance ..... \$ 59.00  
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$443.00 for each day or fraction thereof, and the travel expense incurred ..... \$443.00

WSR 87-22-079

PROPOSED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning tariffs and pilotage

CLASSIFICATION OF PILOTAGE SERVICE RATE

Bridge transit:

Charge for each bridge transited . . . . . \$139.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 45 days of invoice will be assessed at 1 1/2% per month late charge. At least a four hour notice shall be given for an arrival, sailing, or change of ETA or ETD.

WSR 87-22-080
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed November 4, 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 address changes, WAC 480-08-010, 480-12-005, 480-12-015, 480-30-050, 480-30-060, 480-30-130, 480-40-090, 480-70-010, 480-70-020, 480-80-125 and 480-149-120. The proposed amendatory sections are shown below as Appendix A, Cause No. T-2118. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, December 9, 1987, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, conduct a public hearing on the proposed rules.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 4, 1987.

Dated: October 28, 1987
By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-08-010, 480-12-005, 480-12-015, 480-30-050, 480-30-060, 480-30-130, 480-40-090, 480-70-010, 480-70-020, 480-80-125 and 480-149-120 relating to address changes.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 which directs that the commission has authority to implement the provisions of Titles 80 and 81 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to reflect the commission's correct address in its published rules.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., 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.

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

The rule change proposed will affect no economic values.

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

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73 and 4/18/73)

WAC 480-08-010 COMMUNICATIONS. (1) Address. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation Commission, ((Seventh Floor, Highway Licenses Building)) 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, and not to individual members of the commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) One subject in a letter. Letters to the Washington utilities and transportation commission (hereinafter referred to as the "commission") should embrace but one subject.

(3) Identification. Every holder of a permit, license or certificate from the commission, in addressing communications to the commission, should use the name shown upon such permit, license or certificate and give the number thereof.

(4) Remittances. Remittances to the commission shall be by money order, bank draft or check payable to the Washington utilities and transportation commission. Remittances in currency or coin are wholly at the risk of the remitter and the commission assumes no responsibility for loss thereof. Postage stamps should not be remitted except when remitter is so directed.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73 and 4/18/73)

WAC 480-12-005 COMMUNICATIONS. (1) Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation Commission, ((Seventh Floor, Highways Licenses Building)) 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, and not to individual members of the commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) Every permit holder in addressing communications to the commission must use the name shown upon his permit and indicate permit number.

(3) All carriers operating under these rules are urged to report violations thereof, for in so doing conditions can be improved. All reports received in accordance with this subsection (3) of this rule will be held confidential by all commission personnel.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73 and 4/18/73)

WAC 480-12-015 DOCUMENTS—WHEN FILED. Except as provided in chapter 480-04 WAC, all tariffs, schedules, classifications, petitions, complaints, applications for common and contract carrier

motor vehicle permits or extensions thereof, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon said commission at its offices, (~~Seventh Floor, Highways-Licenses Building~~) 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, upon the secretary of said commission. Except as provided in chapter 480-04 WAC, no tariff, schedule, classification, petition, complaint, application, or other matter required to be served upon or filed with the commission shall be considered as served or filed until it is received at the said offices of the commission at Olympia, Washington. Applications for motor vehicle common and contract carrier permits, or for extensions thereof may be transmitted to the district offices of the commission for forwarding to the offices of the commission at Olympia, but are not considered as served or filed until they are received at the said Olympia offices.

**AMENDATORY SECTION** (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

**WAC 480-30-050 TARIFF, NAMING RATES AND FARES.**

(1) Every auto transportation company and excursion service company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, (~~Highways-Licenses Building~~) 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies and excursion service companies shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies and excursion service companies.

(5) No auto transportation company or excursion service company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

**AMENDATORY SECTION** (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

**WAC 480-30-060 SCHEDULE OF TIME AND ROUTE.** (1)

Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with

the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

2nd. Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation company must precede such trade name.) (See title page of sample time schedule, subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between termini.

3rd. The distance between all points shown in the schedule.

4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

**TIME SCHEDULE**  
of  
Walter A. Keys,  
Operating under Trade Name of  
Wenatchee-Cashmere Stage Line  
**MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE**  
Between  
Wenatchee, Wash. and Cashmere, Wash.  
With Terminal Depots at  
123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere  
via the following route:  
West on Wenatchee Avenue to City Limits; thence west on Sunset Highway  
through Monitor to Terminal at Cashmere

(Certificate No. 88)

Issued June 8, 1967  
Issued by Walter A. Keys  
Title, Owner and Manager  
St. Address, 123 So. Wenatchee Ave.  
City and State, Wenatchee, Washington

Effective June 10, 1967  
Authority  
M. V. L. S. N. No. 409  
Dated June 8, 1967

**WESTBOUND**

Mile- age	From Wenatchee to	@ AM	± AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Wenatchee	Lv. 7:00	8:30	11:00	1:30	3:30	5:30	9:30
2.7	Wenatchee River Bridge	" 7:08	8:38	11:08	1:38	3:38	5:38	9:38
3.3	Olds Corner	" 7:09	8:39	11:09	1:39	3:39	5:39	9:39
4.4	Sunnyslope Bridge	" 7:12	8:42	11:12	1:42	3:42	5:42	9:42
6.0	Burkeys Corner	" 7:16	8:46	11:16	1:46	3:46	5:46	9:46
8.1	Monitor P. O.	" 7:23	8:53	11:23	1:53	3:53	5:53	9:53
9.3	Red Bridge	" 7:29	8:59	11:29	1:59	3:59	5:59	9:59
12.5	Cashmere	Ar. 7:40	9:10	11:40	2:10	4:10	6:10	10:10

**EASTBOUND**

Mile- age	From Cashmere to	@ AM	± AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Cashmere	Lv. 8:00	9:30	12:30	2:30	4:30	6:30	10:15
3.1	Red Bridge	" 8:11	9:41	12:41	2:41	4:41	6:31	10:26
4.4	Monitor P. O.	" 8:16	9:46	12:46	2:46	4:46	6:36	10:31
6.5	Burkeys Corner	" 8:22	9:52	12:52	2:52	4:52	6:42	10:37
8.1	Sunnyslope Bridge	" 8:29	9:59	12:59	2:59	4:59	6:49	10:44
9.2	Olds Corner	" 8:31	10:01	1:01	3:01	5:01	6:51	10:46
9.8	Wenatchee River Bridge	" 8:32	10:02	1:02	3:02	5:02	6:52	10:47
12.5	Wenatchee	Ar. 8:40	10:10	1:10	3:10	5:10	7:00	11:00

Explanatory Notes: @ Daily except Sunday; ± Sunday only; X Saturday only.

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

**TIME SCHEDULE**  
of  
**Walter A. Keys,** (Certificate No. 88)  
Operating under Trade Name of  
**Wenatchee-Cashmere Stage Line**  
**MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE**  
Between  
**Wenatchee, Wash., and Cashmere, Wash.**  
With Terminal Depots at  
**123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere**  
via the following route:  
**West on Wenatchee Avenue to city limits; thence west on Sunset**  
**Highway through Monitor to Terminal at Cashmere**

Issued June 8, 1967  
Issued by **Walter A. Keys**  
Title, Owner and Manager  
St. Address, **123 So. Wenatchee Ave.**  
City and State, **Wenatchee, Wash.**  
Effective June 23, 1967

Leave Wenatchee Read Down				Leave Cashmere Read Up			
Daily	Sunday Only	Daily Ex. Sun.	Mileage	From Wenatchee to	Daily	Sunday Only	Daily Ex. Sun.
AM	PM	PM	0.0	Wenatchee	Ar. 10:40	1:10	3:10
Lv. 11:00	1:30	5:30	2.7	Wenatchee River Bridge	Lv. 10:52	1:02	3:02
" 11:08	1:38	5:38	3.3	Olds Corner	" 10:51	1:01	3:01
" 11:09	1:39	5:39	4.4	Sunnyslope	" 10:39	12:39	4:39
" 11:12	1:41	5:43	6.0	Burkneys Corner	" 10:22	12:22	4:22
" 11:16	1:46	5:46	8.1	Monitor P. O.	" 10:16	12:16	4:16
" 11:23	1:53	5:53	9.3	Red Bridge	" 10:11	12:11	4:11
" 11:28	1:58	5:58	12.3	Cashmere	Lv. 10:00	12:00	4:00
Ar. 11:40	2:10	6:10					

Explanatory notes:

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the commission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, ((Highways-Licenses Building)) 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-8002."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No. . . . ., dated . . . . ."

5th. The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly

reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: PROVIDED, HOWEVER, That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

(10) Any excursion service company which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-130 RULES AND REGULATIONS—GENERAL APPLICATION. (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

- 1st. Application should be directed to the Washington Utilities and Transportation Commission, ((Highways-Licenses Building)) 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.
- 2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

AMENDATORY SECTION (Amending Order R-12, filed 11/28/69)

WAC 480-40-090 RULES AND REGULATIONS. (General application). (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

- 1st. Application should be directed to the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington ((98504)) 98504-8002; should be typewritten on one side of the paper only, size of paper to be 8 1/2 x 11 inches.
- 2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

(3) All general orders, and rules and regulations applicable to the operation of auto transportation companies under authority of certificates of public convenience and necessity issued pursuant to the provisions of RCW 81.68.010 through 81.68.090, unless otherwise ordered by the commission, shall apply to charter party carriers of passengers.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73 and 4/18/73)

WAC 480-70-010 COMMUNICATIONS. (1) Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation Commission, ((Seventh-Floor, Highways-Licenses Building)) 1300 S. Evergreen Park Drive S.W., Olympia, Washington

98504-8002. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) Every certificate holder, in addressing communications to the commission, must use the name shown upon his certificate and indicate certificate number.

**AMENDATORY SECTION** (Amending Order R-43, filed 4/5/73 and 4/18/73)

**WAC 480-70-020 DOCUMENTS—WHEN FILED.** Except as provided in chapter 480-04 WAC, all tariffs, schedules, classifications, petitions, complaints, applications for common or contract carriers, certificates of public convenience and necessity, or extensions thereof, or any other matter required to be served upon or filed with the Washington utilities and transportation commission, shall be served upon or filed upon said commission at its offices, (~~Seventh Floor, Highways-Licenses Building~~) 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, upon the secretary of said commission. Except as provided in chapter 480-04 WAC, no tariff, schedule, classification, petition, complaint, application or other matter required to be served upon or filed with the Washington utilities and transportation commission shall be considered as served or filed until it is received at the said offices of the commission at Olympia, Washington. Applications for common or contract carrier certificates of public convenience and necessity, or for extensions thereof may be transmitted to the district offices for forwarding to the office of the commission at Olympia, but are not considered as served or filed until they are received at said Olympia offices.

**AMENDATORY SECTION** (Amending Order R-238, Cause No. U-85-44, filed 9/19/85)

**WAC 480-80-125 NOTICE BY UTILITY TO CUSTOMERS CONCERNING HEARING.** The purpose of this requirement is to ensure that customers of a utility which is proposing a rate increase or a banded tariff which proposes an increase in the maximum rate receive reasonable notice of the nature and the magnitude of the proposed increase, so that the customer is able reasonably to make an informed decision about whether to participate in the hearing process.

(1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it or proposes a banded tariff which includes an increased maximum rate, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the amount of the proposed increase expressed in (a) total dollars and average percentage terms, and (b) the average monthly increases that customers in each category or subcategory of service might reasonably expect. Categories or subcategories of service shall be identified in tariff terms, and if those terms are different from those commonly used by the utility or understood by customers, the notice shall incorporate that commonly used or understood terminology. The notice shall further contain the information that a public counsel will be appointed to represent the public and the mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public hearing date may be directed. The statement shall accompany, as a separate document, regular bills distributed by the utility to its customers, starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation. As an alternative the utility may make a separate distribution of the statement within thirty days following the date of the issuance of the order instituting investigation. Whether disseminated as part of a regular billing or separately the notice shall be prepared in such a manner as to attract attention to it and to distinguish it from other material simultaneously distributed. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation, and at least one radio station and at least one television station, in the area or each of the areas affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

**IMPORTANT NOTICE**

(Company) is Requesting  
A Rate Increase

Washington Utilities  
and Transportation  
Commission

Cause No. U-.....

(Name of Company) has asked the Washington Utilities and Transportation Commission for permission to raise its rates by about \$..... a year, or about ..... percent, over present levels. A summary of the increases asked, and the kinds of service affected, (is attached) (appears below). The commission has suspended the increase and has ordered its staff to investigate the company's request. Formal hearings will be held for the company, commission staff and others to give evidence about the proposal.

The commission has ordered the company to send you this notice to tell you:

(1) One or more hearing sessions will be held just to hear members of the public who want to testify, in addition to hearings for technical or expert evidence.

(2) If you ask, the commission will send you a notice of the time and place for hearings when they are scheduled so you can attend. To get notices or for more information, call the Secretary of the Commission, in Olympia at (206) (~~753-6420~~) 753-6451 or write to:

Secretary  
Washington Utilities and Transportation  
Commission  
(~~Highways-Licenses Building~~)  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504-8002.

If you write, include your name and mailing address, the name of the company, and Cause No. U-.....

(3) A lawyer (has been) (will be) appointed to represent the public. You can reach this "public counsel" by calling or writing the commission at the address above or directly by calling or writing \_\_\_\_\_.

(4) The rates shown here are only a request by the company. After the hearings are over, the commission will consider the evidence. It can deny all of the request, grant it all, or grant some of it. The commission also has the authority to set rates that are different from the company's request—higher or lower—for each kind of service.

Name of Company Official  
Title of Company Official  
Name of Company

**SUMMARY OF REQUESTED RATE INCREASES**

Type of Service	Range of Requested Increases or Increases in Unit Price	Typical Increase in Average Bill (Dollars)
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(Identify the tariff category, including, as needed for public understanding, the tariff category title, the term commonly used by the company, and the term commonly used by customers to describe the type of service affected. Set out the information on a monthly basis. If the company's billing cycle is not monthly, clearly explain the effect, by footnote or otherwise, per billing cycle. If the rates vary by season or time, specify the range and basis for variation. If the rate is charged on the basis of unit consumption, such as energy consumption, the increase shall be stated in a cents-per-unit or on a percentage basis for the tariff category. It shall then as to residential customers illustrate increases in representative consumption classifications. If the rate is charged on the basis of monthly rate per service or

per item of equipment, the increase shall be stated on the basis of percentage increase for the classification or range of increase within the classification, using commonly recognized representative examples demonstrating the range and the typical effect of the increases.)

(The following shall be added, if applicable:)

Note: The figures shown here are ranges and averages. It is not possible to set out every service or every variation in this brief notice.

If you want to know how the company's proposal will affect you if the commission adopts it totally, call or write (telephone number and address of office or offices where customers will receive a prompt, accurate answer. Address and telephone number may be omitted if included elsewhere in the information simultaneously received by the consumer and if clearly referenced. The utility shall respond to customer inquiries no later than the close of the fifth business day following receipt of the inquiry at any of its appointed offices. Inquiries may be forwarded from branch offices to a central office or division if this is done at no cost to the consumer and if a response is generated to the consumer within the reasonable time limit).

(3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.

(5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

**AMENDATORY SECTION** (Amending Order R-203, Cause No. TR-1697, filed 5/11/83)

WAC 480-149-120 NOTICE REQUIRED. (1) Unless two copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

(e) Excursion passenger tariffs as provided for in WAC 480-149-070(1).

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in this section. Application for such authority must be on a form supplied by the commission. On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number

..... of \_\_\_\_\_ (date) \_\_\_\_\_, or by authority of Rule ..... W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No. ....

(5) Whenever a carrier files a tariff on not less than thirty days' notice, containing increased rates and charges for collection and disposal of garbage, refuse, and debris, such carrier shall at the same time, or prior thereto, notify affected customers that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on a particular date. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail or delivered to their premises. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington Utilities and Transportation Commission, (~~Highways-Licenses-Building~~) 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002 not later than fourteen days from the date of the notice. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

**WSR 87-22-081**

**PROPOSED RULES**

**UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed November 4, 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 concerning WAC 480-12-180 relating to motor carrier safety; and WAC 480-12-400, 480-12-435 and 480-12-445 relating to shipment of household goods. The proposed amendatory sections are shown below as Appendix A, Cause No. TV-2119. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, December 9, 1987, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., 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 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 4, 1987.

Dated: October 28, 1987

By: Paul Curl  
Acting Secretary

**STATEMENT OF PURPOSE**

In the matter of amending WAC 480-12-180 relating to motor carrier safety; and WAC 480-12-400, 480-12-435 and 480-12-445 relating to shipment of household goods.



The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.290 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to cooperate with the Department of Licensing in the licensing of drivers of commercial vehicles, and to clarify the estimate procedures for household goods carriers and provide for the release of goods when actual charges exceed the estimate.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., 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 81.80.290.

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

The rule change proposed will affect no economic values.

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

#### APPENDIX "A"

#### AMENDATORY SECTION (Amending Order R-262, Cause No. TV-1956, filed 6/27/86)

WAC 480-12-180 EQUIPMENT—DRIVERS—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1; part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on January 1, 1986, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) Safety chains or other load fastening devices. Any motor truck, truck tractor, trailer, semitrailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall

be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subparagraphs (a)(iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;
- (iv) Frayed, stranded, knotted, or otherwise defective wire rope.

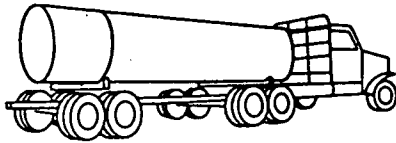
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

Note: See the following Diagrams I and II for illustrations of placement and number of load fastening devices.

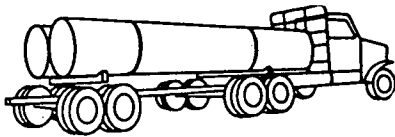
PLACEMENT AND NUMBER OF WRAPPERS

One log load



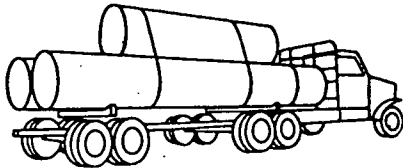
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



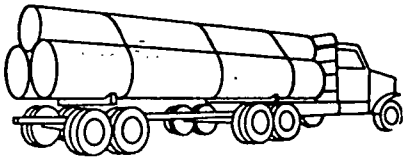
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



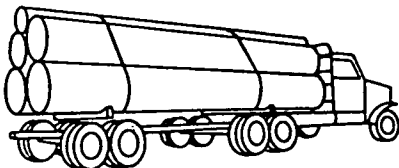
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



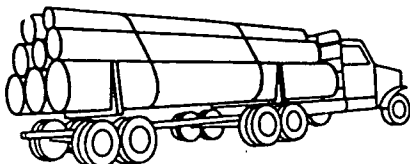
A minimum of three wrappers required.

Five or six log load all logs seventeen feet or less



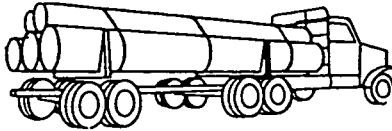
A minimum of two wrappers required.

Seven or more log load all logs seventeen feet or less



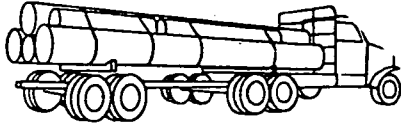
A minimum of two wrappers required.

Five or more log load  
if any logs are more than seventeen feet



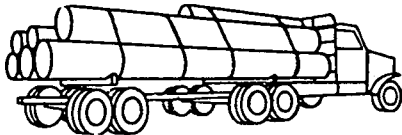
A minimum of three wrappers required.

Outside logs or top logs



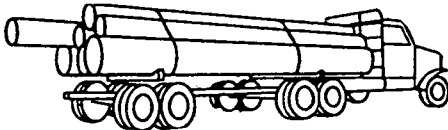
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



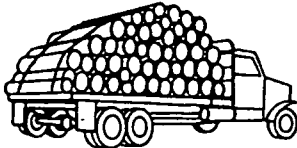
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) Approved load fastening devices. The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) Anti-spray devices. Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.49, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as

and including all appendices and amendments thereto in effect on January 1, 1986, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver when operating under its own permit.

(e) Section 391.49 shall not apply when a driver has obtained from the department of licensing the proper drivers license endorsement and restrictions (if any) for the operation of the motor vehicle the person is driving.

(7) Whenever the designation "director, bureau of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

(8) Whenever the term "lightweight vehicle" is used in this section or is used in rules adopted herein by reference, such term shall mean a motor vehicle that:

(a) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

**AMENDATORY SECTION** (Amending Order R-173, Cause No. TV-1500, filed 9/9/81)

WAC 480-12-400 DEFINITIONS. (1) The term "household goods," for the purpose of the following rules, means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(2) The term "local moving" means all hauls within the limits of any city and all hauls of thirty-five constructive miles or less, as well as other specified hauls for which rates are prescribed on a time basis in Items ((+300)) 82 and ((+305)) 84 of the commission's Tariff ((+4★)) 15, or reissues thereof. All other moves are to be termed "long distance moving."

**AMENDATORY SECTION** (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-435 ESTIMATES OF CHARGES. (1) Estimates by the carrier. Whenever an estimate of the charges for a proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator, shall be in writing, and shall contain the following:

(a) The name and address of the carrier which is to perform the service and the name and title of the person preparing the estimate.

(b) The origin and destination of the proposed movement, and the mileage between such points.

(c) The applicable rate to be applied.

(d) A list of the articles upon which the estimate is based, showing for each article listed the estimated cubic footage thereof.

(e) The estimated total weight of the shipment, based upon a conversion formula of no less than 7 pounds per cubic foot.

(f) An itemized statement of all known accessorial services to be performed, and articles supplied, and the charges therefor.

(g) An estimate of the total charges, including transportation charges, and charges for accessorial services.

(h) A printed statement (in contrasting lettering) on the face thereof, in not less than eight-point bold or full-faced type, as follows:

**IMPORTANT NOTICE**

This estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. Common carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents. Transportation charges are based upon the weight of the goods transported, and such charges may not generally be determined prior to the time the goods are loaded on the van and weighed.

No guarantee can be made as to the specific dates of pick-up or delivery of your shipment, unless you make special arrangements with the carrier for expedited service, for which an additional charge will normally be made.

(i) Written estimates, where furnished shall be kept on file in the office of the originating carrier, for the same period that bills of lading are required to be preserved.

(j) Oral estimates of charges are prohibited. When requested to make an oral estimate, by telephone or otherwise, the carrier shall inform the shipper that such oral estimates are prohibited and that carriers are permitted to quote only the applicable legal rates for the requested service.

(2) Estimate form for shipper's use. Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic foot measurements are used in arriving at the weight, the form shall state that a weight factor of 7 pounds per cubic foot shall be used.

(3) Weight of shipment, notification to shipper. After the shipment has been weighed, the carrier, if requested by the shipper, shall immediately notify the shipper of the weight thereof and the charges, by telephone or telegraph if requested. The notices shall be at the carrier's expense, unless the carrier provides in its tariff that the actual cost of such notice shall be collected from the shipper.

(4) Reweighing. The carrier shall, upon request, made by the shipper before delivery and when practicable to do so, reweigh the shipment. A reasonable charge may be established for reweighing only when the difference between the two net scale weights does not exceed 100 pounds on shipments weighing 5,000 pounds or less, and 2 percent of the lower net scale weight on shipments weighing more than 5,000 pounds. The lower of the two net scale weights shall be used for determining applicable charges.

(5) Supplemental estimate. When a written estimate has been given a shipper under this section, and services not included in the original estimate are required, a supplement to the original estimate shall be prepared, acknowledged in writing by the shipper, and attached to the original estimate or to the bill of lading. Supplements shall be retained by the carrier as provided in subsection (1)(i) of this section.

(6) Charges in excess of estimate. At the time of delivery of a collect on delivery shipment in which an estimate of the approximate cost has been provided by the carrier in accordance with this section, the carrier shall, at the request of the shipper, relinquish possession of the shipment upon payment of not more than one hundred ten percent of the estimated charges, and collection of the balance shall be deferred for not more than thirty days following delivery of the shipment. This provision shall not be applicable when shipment has been delivered to a warehouse for storage at the request of the shipper.

**AMENDATORY SECTION** (Amending Order R-193, Cause No. TV-1666, filed 12/27/82)

WAC 480-12-445 INFORMATION TO SHIPPER. Whenever a written estimate is submitted to a prospective shipper of household goods, the carrier shall furnish such shipper a printed statement, in not less than eight-point bold or full-faced type, in substantially the form set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

**GENERAL INFORMATION FOR SHIPPERS  
OF HOUSEHOLD GOODS BY MOTOR CARRIERS  
IN INTRASTATE COMMERCE**

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Washington utilities and transportation commission. It relates to the transportation of household goods, in intrastate commerce by motor carriers frequently called "movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agent for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

Estimates. REGARDLESS OF ANY PRIOR ESTIMATE RECEIVED, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs (~~(fitted by the carrier with)~~) published by the Washington utilities and transportation commission. The total charges which you will be required to pay may be more, or less, than the estimate received from the carrier. Any services not included on the original estimate of charges must be listed on a supplemental estimate and acknowledged in writing by the shipper prior to the performance of the additional services.

Tariff. This is a publication by the Washington Utilities and Transportation Commission, (~~(Highways-Licenses-Building)~~) 1300 S. Evergreen Park Dr. S.W., Olympia, Washington, containing charges and rules of carriers engaged in the transportation of household goods. The rates, rules and provisions are the same for all carriers and tariff is open to public inspection and may be examined at the carrier's office. The tariff rules, rates and regulations of the carrier serving you must be considered in determining the charges on your shipment. Among the rules and regulations will be found special provisions applicable to shipments picked up or delivered at more than one place; packing and marking; diversion of shipments en route; and additional services, the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying goods up or down steps. The tariff of the carrier serving you contains rules relating to the subjects which follow.

Preparing articles for shipment. If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated on an hourly basis for local moving within towns or cities or for any distance thirty-five miles or less. The base rates are established for declared valuation of the shipment, which establishes the amount a shipper may recover from the carrier if the goods are lost or damaged. The base rates apply if the shipper releases the goods at a value of sixty cents per pound per article. When a released valuation is established by the shipper in excess of sixty cents per pound per article on a lump sum for the entire shipment, then an excess valuation charge will apply. Alternatively, you may elect to ship at the base rate and arrange, at your own expense, to obtain insurance to protect you for a greater amount. Rates for hauling within Washington beyond thirty-five miles are stated in amounts per one hundred pounds, depending on the distance involved. The charges will vary according to the released or declared value of the shipment. The carrier's tariff provides that at its base rates the carrier's responsibility for loss or damage caused by it is limited to sixty cents per pound of actual weight of each lost or damaged article. If you wish to be paid full value for lost or damaged items which are worth more than sixty cents per pound, you must declare, before shipping, a lump sum value and pay an extra charge for such value. Payment of the charge establishes the declared value as the maximum amount you may recover from the carrier for loss or damage, unless the damage is caused by an event or development excluded by the terms of the carrier's printed bill of lading, of which you should have a copy. If you do not declare any lump sum value, or a value less than one dollar and twenty-five cents per pound, the shipment will be deemed to have been released at one dollar and twenty-five cents per pound, and an additional charge per one hundred dollars of value will be applied. If you wish to avoid these extra charges, you must agree, in writing, on the bill of lading, that if any articles are lost or damaged, the carrier's liability will not exceed sixty cents per pound for the actual weight of any lost or damaged articles in the shipment.

Cargo protection. A carrier's liability for loss or damage is limited by the bill of lading, the value of goods declared thereon by the shipper, and its tariffs. If greater protection than that afforded under the lowest transportation rate is desired, the shipper will be required to so indicate on the bill of lading prior to the time the goods are loaded. The carrier will assess a transportation valuation charge on the freight bill for the greater protection.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than one thousand pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed one hundred pounds (if your shipment weighs five thousand pounds or less) or does not exceed two percent of the lower net weight (if your shipment weighs more than five thousand pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight - usually five thousand pounds - will be delivered on or before the date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight (five thousand pounds) and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even if the expense of crating the items is taken into consideration.

Storage in transit. In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

Payment of charges - freight bill. You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges on shipments moving more than thirty-five miles you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle, the net weight of your shipment, the mileage, the applicable rate per one hundred pounds for transportation, additional protection, and any accessorial services performed. On shipments moving under thirty-five miles the receipt should show the time the vehicle left the premises of the mover and the time the same vehicle returned thereto, the rate per hour and rates for any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

Loss or damage. If loss or damage is detected when the goods are delivered by the carrier, the fact of such loss or damage should be recorded by the shipper on the bill of lading, or delivery record. All claims for loss or damage must be filed with the carrier, in writing within nine months of delivery. Although the carriers are subject to the rules and regulations of the Washington utilities and transportation commission the commission has no authority to compel the carriers to settle claims for loss or damage and will not undertake to determine whether the basis for or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a court of law. The names of the carrier's agents for service of process in this state may be obtained by writing the Washington Utilities and Transportation Commission, (~~Highways-Licenses Building~~) 1300 S. Evergreen Park Dr. S.W., Olympia, Washington.

**WSR 87-22-082**  
**WITHDRAWAL OF PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed November 4, 1987]

In the matter of the petition of Representative Dick Nelson and Representative Mike Todd for promulgation of a rule.

Under authority of RCW 80.04.160 and 34.04.060, the above-entitled petition sought adoption of rules relating to conservation by gas and electric utilities subject to the jurisdiction of the commission. Consistent with the requirements of RCW 34.04.060, notice was filed with code reviser under Notice No. WSR 86-23-034 to adopt the rules as proposed. Concurrently with consideration of those rules, the commission, under Cause Nos. U-86-141 and U-86-142 gave notice of and considered what it denominated least cost planning rules for gas and electric companies. Those rules encompassed the matters sought under the foregoing petition.

Having considered the petition herein, the commission denies the relief sought, stating as the reason therefor the companion proceedings in which the commission has adopted least cost planning rules applicable to gas and electric utilities which forestall the need for the rules sought.

**ORDER**

WHEREFORE, IT IS ORDERED That the petition filed under the above-entitled cause be, and the same is, hereby denied.

DATED at Olympia, Washington, this 3rd day of November, 1987.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
A. J. Pardini, Commissioner

**WSR 87-22-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed November 4, 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 social services for families, children and adults, amending chapter 388-15 WAC;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

The authority under which these rules are proposed is chapter 409, Laws of 1987.

The specific statute these rules are intended to implement is chapter 409, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: November 3, 1987  
By: Leslie F. James, Director  
Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.025.

Re: New WAC 388-15-690, 388-15-695, 388-15-700, 388-15-705, 388-15-710 and 388-15-715.

Purpose of the Rule: To implement requirements as described in statute for operation of the respite care program.

Reason this Rule is Necessary: Because statute mandates the department to determine who will be eligible to receive respite care services and the priorities for receipt of respite care services.

Statutory Authority: Chapter 409, Laws of 1987.

Summary of the Rule: Describes caregiver eligibility requirements, the distribution of cost for respite care services, the rates of payment to service providers, and the priority for services received.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Penny Black, Supervisor, Area Agency on Aging Operations, Aging

and Adult Services Administration, phone 753-6840, mailstop HB-11.

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

Chapter 388-15 WAC  
RESPITE CARE SERVICES

NEW SECTION

WAC 388-15-690 DEFINITIONS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section.

- (1) "Adult" means a person 18 years of age or older.
- (2) "Caregiver" means a spouse, relative, or friend who has primary responsibility for the care of a functionally disabled adult, who does not receive financial compensation for the care, and who is assessed as being at risk of placing the eligible participant in a long-term care facility if respite care is not available.
- (3) "Continuous care" means assistance provided on a daily basis.
- (4) "Dementing illness" means characterized by the progressive loss of cognitive ability and increasing dependency on others for performance of the activities of daily living.
- (5) "Department" means the department of social and health services.
- (6) "Eligible participant" means an adult who:
  - (a) Needs substantially continuous care or supervision by reason of the person's functional disability; and
  - (b) Is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care.
- (7) "Functionally disabled" includes requiring assistance in completing activities of daily living and community living skills. It also includes individuals with dementing illnesses or neurological disorders, including traumatic brain injury (TBI).
- (8) "Institutionalization" means placement in a long-term care facility.

(9) "Respite care services" means relief care for families or other caregivers of disabled adults, eligibility for which shall be determined by the department by rule. The services provide temporary care or supervision of disabled adults in substitution for the caregiver. The term includes social day care.

(10) "Service provider" means an individual, agency, or organization under contract to the area agency on aging (AAA) or its subcontractor.

(11) "Sliding fee schedule" means developed by the department using the state median income, adjusted for family size, and used to determine share of the cost of respite care services. The amount of the cost of respite care services shared by the eligible participant is a percentage of the total cost of the service as determined by the schedule, graduated to full recovery of the cost of the service provided.

(12) "Social day care" means nonmedical services to persons who live with their families, cannot be left unsupervised, and are at risk of being placed in a 24-hour care facility if their families do not receive some relief from constant care.

(13) "State median income" means that income amount established by the department of health and human services and adjusted to a calendar year basis where one-half of the state's population for a family of four has income above that amount and one-half of the state's population for a family of four has income below that amount.

(14) "Traumatic brain injury (TBI)" means an insult to the brain, not of a congenital nature or related to degenerative or aging processes. It may result from direct or indirect trauma, infection, anoxia, or vascular lesions. It may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning. It can also result in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

NEW SECTION

WAC 388-15-695 CAREGIVER ELIGIBILITY. To be eligible to receive respite care services, the caregiver shall:

- (1) Have primary responsibility for the care of a functionally disabled adult, including individuals with dementing illnesses, neurological disorders, or traumatic brain injury (TBI); and

- (2) Not receive financial compensation for the care; and
- (3) Be assessed as being at risk of placing the eligible participant in a long-term care facility if assistance by home and community support services, including respite care, is not available.

NEW SECTION

WAC 388-15-700 DISTRIBUTION OF COST. (1) The department shall provide for participation by the eligible participant in the cost of respite care services.

(2) The department shall administer a sliding fee schedule, which shall be updated annually, to determine the eligible participant's share of the cost of respite care services.

(3) The department shall determine the eligible participant's income as follows:

(a) If the caregiver and eligible participant are married, all monthly income received in either or both names shall be combined and one-half of the total shall be considered the participant's income.

(b) If the caregiver is a friend or relative other than the spouse, only the monthly income received by the eligible participant in the participant's name shall be considered the participant's income.

(4) In determining the amount the eligible participant shall pay, the following shall apply:

(a) The department shall not charge the participant if the participant's income is at or below 40 percent of the state median income.

(b) The department shall charge a percentage of the cost of respite care calculated from the sliding fee schedule to participants whose income is between 40 percent and 99 percent of the state median income.

(c) The department shall charge the full cost of respite care services if the participant's income is 100 percent or more of the state median income, as calculated from the sliding fee schedule.

(d) The department shall determine the full cost of respite care by the number of hours or days of service used and the rate of the service, as negotiated between the area agency on aging and the respite care service provider.

NEW SECTION

WAC 388-15-705 RATES OF PAYMENT. (1) The department shall not pay respite care service providers more than the rate paid to other service providers for the same level of care.

(2) The department shall pay Medicaid certified nursing homes providing respite care services the Medicaid rate approved for that facility. The rate paid to non-Medicaid certified nursing homes providing respite care services may not exceed the average Medicaid rate in that county. The eligible participant shall pay all charges for services not included in the Medicaid rate.

NEW SECTION

WAC 388-15-710 SERVICE PRIORITIES. (1) To ensure that respite care is made generally available, the following service priorities, as shown in the table in WAC 388-15-715, shall apply:

Priority 1	Caregiver meets conditions	A through D
Priority 2	Caregiver meets conditions	A through C, & H
Priority 3	Caregiver meets conditions	A,B,D, & G
Priority 4	Caregiver meets conditions	A,B,G,H
Priority 5	Caregiver meets conditions	A,C,D,F
Priority 6	Caregiver meets conditions	A,C,F,H
Priority 7	Caregiver meets conditions	A,D,F,G
Priority 8	Caregiver meets conditions	A & F through H
Priority 9	Caregiver meets conditions	B through E
Priority 10	Caregiver meets conditions	B,C,E,H
Priority 11	Caregiver meets conditions	B,D,E,G
Priority 12	Caregiver meets conditions	B,E,G,H
Priority 13	Caregiver meets conditions	C through F
Priority 14	Caregiver meets conditions	C,E,F,H
Priority 15	Caregiver meets conditions	D through G
Priority 16	Caregiver meets conditions	E through H

(2) Prior use of a support system refers to a caregiver using another type of respite care program, other community-based programs, or receiving assistance from church, family, and friends during the period of time the caregiver is providing continuous care to the functionally disabled adult. A caregiver who meets conditions A, B, C, and H, under WAC 388-15-715, ranks as a Priority 2. A caregiver who meets conditions B, D, E, and G, under 388-15-715, ranks as a priority 11.

A caregiver with priority 2 has higher priority to receive respite care services than a caregiver who has a priority 11. For example:

- (a) PRIORITY 2
  - (i) A. - Is caring for a disabled adult with traumatic brain injury (TBI);
  - (ii) B. - Has high blood pressure;
  - (iii) C. - Is caring for an infant; and
  - (iv) H. - Has used some other assistance program during the period of caring for the disabled adult.
- (b) PRIORITY 11
  - (i) B. - Has diabetes;
  - (ii) D. - Has not used another support system during the period of caring for the disabled adult who ranks as a priority 11;
  - (iii) E. - Is caring for an adult who requires supervision or companionship; and
  - (iv) G. - Does not spend time caring for other family members.

**NEW SECTION**

**WAC 388-15-715 RESPITE CARE SERVICE PRIORITIES.**

Condition	PRIORITY FOR SERVICE RANKING															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
A. Caregiver experiences a high level of difficulty in caring for the disabled adult due to the disabled adult's functional and health status. . . . .	X	X	X	X	X	X	X	X	X							
B. Caregiver has documented chronic health problems. . . . .	X	X	X	X					X	X	X	X				
C. Caregiver provides substantial time and attention to other family members with health or other problems. . . . .	X	X			X	X			X	X			X	X		
D. Caregiver has no prior use of a support system. . . . .	X	X		X	X	X	X	X	X		X	X			X	
E. Caregiver does not experience a high level of difficulty in caring for the disabled adult due to the disabled adult's functional and health status. . . . .										X	X	X	X	X	X	X
F. Caregiver has no documented chronic health problems. . . . .					X	X	X	X					X	X	X	X
G. Caregiver does not provide substantial time and attention to other family members with health or other problems. . . . .			X	X			X	X		X	X				X	X
H. Caregiver has prior use of a support system. . . . .	X	X	X	X	X	X	X	X	X		X	X			X	X

**WSR 87-22-084  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed November 4, 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 income for support of legal dependents, amending WAC 388-28-560; that the agency will at 10:00 a.m., Tuesday, December 8, 1987, in the OB-2 Auditorium, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1987.

The authority under which these rules are proposed is RCW 74.04.055.

The specific statute these rules are intended to implement is RCW 74.04.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: November 2, 1987  
By: Leslie F. James, Director  
Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
Re: WAC 388-28-560.

Purpose of the Rule or Rule Change: To clarify and correct this section.

Reason These Rules are Necessary: To bring WAC 388-28-560 into compliance with federal requirements at CFR 233.20 (a)(3)(ii)(c).

Statutory Authority: RCW 74.04.055.

Summary of the Rule or Rule Change: WAC 388-28-560 is amended to specify no provisions for any deductions from earned income are allowed for parents who are deleted from an assistance grant because of failure to cooperate.

Person Responsible for Drafting, Implementation and Enforcement of the Rule or Rule Change: Phyllis Doros, Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-6912, scan 234-6912.

These rules are necessary as a result of federal law.

**AMENDATORY SECTION** (Amending Order 2442, filed 11/10/86)

WAC 388-28-560 (~~NET CASH INCOME~~) INCOME FOR SUPPORT OF LEGAL DEPENDENTS. The income of a parent or stepparent shall be allocated as follows:

- (1) Parents or stepparents in the assistance unit:
  - (a) To pay court or administratively ordered support for any legal dependent or dependents not living in his or her home. Such support is exempt up to the amount of the one-person continuing assistance need standard for each legal dependent. Verification must be obtained that the support payments are being made.
  - (b) To meet the requirements of those needy members of the family who are not eligible for AFDC and for whom the parent or stepparent is legally responsible. Such requirements shall be computed according to appropriate payment level.
  - (c) To meet the needs of the AFDC assistance unit for whom he or she is legally responsible.



(2) Parents or stepparents not in the assistance unit but in the household.

(a) Ineligible parents or stepparents whose income is deemed to the assistance unit shall have that income allocated as in subsections (1)(a), (b), and (c) of this section.

(b) A parent or stepparent who is in sanction status or who is required to be in the assistance unit and has failed to cooperate shall have his or her gross income (~~deemed~~) allocated to the assistance unit.

**WSR 87-22-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed November 4, 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 disregard of income and resources, amending WAC 388-28-575;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: October 30, 1987

By: Leslie F. James, Director  
Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-28-575.

Purpose of the Rule or Rule Change: To clarify disregarded income.

Reason These Rules are Necessary: To clarify federal work study is disregarded in the aid to families with dependent children (AFDC) program.

Summary of the Rule or Rule Change: Federal work study is disregarded income for AFDC.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Mac Trepanier, Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-3177, scan 234-3177.

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) (~~In determining~~) To determine need and the amount of the assistance payment in AFDC, the (~~following~~) department shall (~~be disregarded~~) disregard as income and resources:

(a) Any grant (~~or~~), loan, or federal work study to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. Department of Health and Human Services. Disregard the entire amount of (~~such loan or grant is disregarded, irrespective of the use to which the funds are put;~~) the grant, loan, or work study;

(b) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfoot Tribe of the Blackfoot Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana(-);

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in section 7 of P.L. 93-134 or section 6 of P.L. 94-114(-);

(d) The income and resources of an individual receiving benefits under Supplemental Security Income for the period such benefits are received(-);

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under section 21(a) of that act(-);

(f) From August 1, 1975, to September 30, 1976, (~~forty~~) 40 percent of the first (~~fifty dollars~~) \$50 collected by the office of support enforcement in payment on the support obligations for the current month(-);

(g) Retroactive AFDC benefits resulting from a court order modifying a department policy(-);

(h) The part of a Veterans' Administration educational assistance payment for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes, and child care services necessary for school attendance(-);

(i) HUD community development block funds obtained and used under conditions precluding use for current living costs(-); and

(j) The first (~~fifty dollars~~) \$50 per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

(2) (~~In determining~~) To determine need and the amount of the assistance payment in AFDC and GA, the (~~following~~) department shall (~~be disregarded as~~) disregard income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970(-);

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended(-);

(c) Any compensation provided to volunteers in ACTION programs established by Titles II and III of P.L. 93-113, the Domestic Volunteer Service Act of 1973(-);

(d) Any compensation provided volunteers in ACTION programs established by Title I of P.L. 93-113, the Domestic Volunteer Service Act(-);

(e) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended.

(f) Payments made under the Community Services Administration's Emergency Energy Conservation Program of 1979(-); and

(g) Energy assistance payments.

**WSR 87-22-086**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed November 4, 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 Standards of assistance—Supplemental security income (SSI) program, amending WAC 388-29-295;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: November 2, 1987  
 By: Leslie F. James, Director  
 Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-29-295.

Purpose of the Rule Change: To add the 1988 cost-of-living adjustment (COLA) to the Federal Benefit Rate (FBR) for supplemental security income (SSI) recipients for state approval of updated SSI standards. State supplements are not changed.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: SSI expects Congress to approve 4+ percent COLA at the end of October. This revision is based on a flat 4 percent and may be adjusted at the hearing.

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

These rules are necessary as a result of federal law, federal court decision or state court decision, Social Security Act, section 1617(c).

AMENDATORY SECTION (Amending Order 2452, filed 12/23/86)

WAC 388-29-295 STANDARDS OF ASSISTANCE—SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. Effective January 1, ((+1987)) 1988, the standards of SSI assistance paid to eligible individuals and couples are:

	Standard	Federal Benefit	State Supplement
<u>Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties</u>			
Living alone			
Individuals	\$( <del>368.00</del> — <del>340.00</del> )	<del>340.00</del>	
	<u>381.00</u>	<u>353.00</u>	28.00
Couples			
Both eligible	(( <del>532.00</del> — <del>510.00</del> ))	<del>510.00</del>	
	<u>552.00</u>	<u>530.00</u>	22.00
With essential person	(( <del>532.00</del> — <del>510.00</del> ))	<del>510.00</del>	
	<u>552.00</u>	<u>530.00</u>	22.00
With ineligible spouse	(( <del>532.00</del> — <del>340.00</del> ))	<del>340.00</del>	
	<u>545.00</u>	<u>353.00</u>	192.00
<u>Area II: All Counties Other Than the Above</u>			
Living alone			
Individuals	(( <del>347.55</del> — <del>340.00</del> ))	<del>340.00</del>	
	<u>360.55</u>	<u>353.00</u>	7.55
Couples			
Both eligible	(( <del>510.00</del> — <del>510.00</del> ))	<del>510.00</del>	
	<u>530.00</u>	<u>530.00</u>	0
With essential person	(( <del>510.00</del> — <del>510.00</del> ))	<del>510.00</del>	
	<u>530.00</u>	<u>530.00</u>	0
With ineligible spouse	(( <del>500.15</del> — <del>340.00</del> ))	<del>340.00</del>	
	<u>513.15</u>	<u>353.00</u>	160.15
Shared living			
Individuals	(( <del>232.48</del> — <del>226.67</del> ))	<del>226.67</del>	
	<u>241.55</u>	<u>235.74</u>	5.81
Couples			
Both eligible	(( <del>346.30</del> — <del>340.00</del> ))	<del>340.00</del>	
	<u>359.30</u>	<u>353.00</u>	6.30
With essential person	(( <del>346.30</del> — <del>340.00</del> ))	<del>340.00</del>	
	<u>359.30</u>	<u>353.00</u>	6.30
With ineligible spouse	(( <del>346.30</del> — <del>226.67</del> ))	<del>226.67</del>	
	<u>355.37</u>	<u>235.74</u>	119.63

**WSR 87-22-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed November 4, 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 certification of eligibility, amending WAC 388-85-105;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: November 4, 1987  
By: Leslie F. James, Director  
Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-85-105.

Purpose: To clarify that a redetermination for other medical assistance programs is required anytime a recipient is terminated from financial assistance or medical assistance.

Reason: Current regulations do not require a redetermination of eligibility for other medical assistance programs when medical assistance is terminated.

Statutory Authority: RCW 74.08.090.

Summary: The department shall redetermine a client's eligibility for other medical assistance programs anytime financial assistance or medical assistance is terminated.

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

Rules are proposed by DSHS.

These rules not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

#### AMENDATORY SECTION (Amending Order 2425, filed 9/22/86)

WAC 388-85-105 CERTIFICATION OF ELIGIBILITY. Entitlement to medical assistance continues until the recipient is determined ineligible for cash assistance.

(1) Whenever terminating cash assistance or medical assistance including Medicaid, the limited casualty program or medical care services, the department shall automatically redetermine eligibility for

other medical assistance programs prior to termination of medical assistance.

(a) If additional information is necessary to redetermine eligibility, the department shall give the recipient ten days' notice and an opportunity to provide such information.

(b) The department shall give the recipient advance and adequate notice of the redetermination decision prior to termination of medical assistance. See WAC 388-33-376.

(c) Until the department redetermines a recipient's eligibility in conformity with the requirements of this section, the recipient shall remain(s) eligible for categorically needy medical benefits.

(2) When eligibility for AFDC is terminated:

(a) For AFDC cash assistance due to increased income or increased hours from employment, medical assistance shall continue for four calendar months beginning with month of ineligibility.

(b) For AFDC cash assistance due to reaching state legal age of majority, ~~((a determination and a certification of))~~ the department shall automatically redetermine eligibility for medical assistance under another program ~~((category will be made))~~.

(c) For lack of cooperation in WIN or work registration or for lack of school attendance which ~~((is))~~ are not ~~((an))~~ eligibility factors for medical assistance, the ~~((department shall redetermine))~~ eligibility for medical assistance ~~((according to subsection (1) of this section))~~ shall continue.

(d) For AFDC cash assistance due solely to the loss of the thirty dollars plus one-third or the thirty dollar income exemption, medical assistance shall continue for nine calendar months beginning with the month of ineligibility.

(3) The department shall redetermine eligibility for medical assistance the same as for the related cash assistance program:

(a) For recipients under age eighteen not related to SSI, eligibility shall be redetermined every six months using AFDC financial criteria.

(b) For recipients in medical institutions eligibility shall be ~~((determined))~~ redetermined every twelve months.

(4) The recipient shall report to the CSO any change in circumstances relating to the recipient's financial or medical eligibility ~~((must be reported))~~ within twenty days ~~((to the CSO))~~ of the date of change.

(5) ~~((Notification procedures))~~ For any change of eligibility the department shall ~~((be))~~ use the same notification procedures as for cash assistance.

**WSR 87-22-088**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed November 4, 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 physical therapy, amending WAC 388-86-090;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: October 29, 1987  
By: Leslie F. James, Director  
Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-090.

Purpose: To clarify present policy.

Reason: Current regulations are unclear as to when the attending physician's request for and prior approval of physical therapy are required, and the criteria used to approve physical therapy.

Statutory Authority: RCW 74.08.090.

Summary: All outpatient physical therapy requires prior approval. The requirements for the approval are listed. Physical therapy that is a part of treatment program such as hospital inpatient services, nursing home services or home health care follows the approval process for that treatment program.

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

Rules are proposed by DSHS.

These rules are not necessary as a result of change in a federal or state law.

No economic impact statement is required under the Regulatory Fairness Act.

#### AMENDATORY SECTION (Amending Order 2321, filed 12/27/85)

WAC 388-86-090 PHYSICAL THERAPY. (1) ~~The department shall provide physical therapy((, other than that provided in a hospital as part of inpatient treatment or in a nursing home as part of a nursing home treatment program, may be authorized only when such therapy)):~~

(a) ~~As an outpatient service when requested by the attending physician and the therapy:~~

~~((i)) Will avoid the need for hospitalization or nursing home care, or~~  
~~((ii)) Will assist the recipient in becoming employable, or~~  
~~((iii)) Is ((medically indicated in unusual circumstances and is requested by the attending physician)) part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization, and~~

~~((iv)) Is performed by a registered physical therapist or physiatrist.~~

(b) ~~As a part of and included in the payment of another treatment program including, but not limited to:~~

~~(i) Hospital inpatient services, or~~  
~~(ii) Nursing home services, or~~  
~~(iii) Home health care.~~

(2) Outpatient physical therapy services shall require prior approval by the division of medical assistance.

(3) Outpatient physical therapy ((is)) shall not be provided under the limited casualty program.

WSR 87-22-089  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed November 4, 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 billing limitations, amending WAC 388-87-015;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: October 30, 1987  
By: Leslie F. James, Director  
Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-87-015.

Purpose: To clarify current policy on billing limitations.

Reason: WAC does not provide time limits for rebills, adjustments or Medicare/Medicaid billing.

Statutory Authority: RCW 74.08.090.

Summary: Subsections (1), (2) and (3) are rewritten as subsections (1) through (4) for clarification without any change in policy. All rebills or adjustments must be submitted within twelve months of the departments last action on the bill. All Medicare/Medicaid billings must be submitted within six months of the Medicare statement.

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

Rules are proposed by DSHS.

These rules are not necessary as a result of a new state or federal law.

No economic impact statement is required.

AMENDATORY SECTION (Amending Order 1684, filed 7/29/81)

WAC 388-87-015 BILLING LIMITATIONS(~~(=ONE HUNDRED TWENTY DAY PERIOD)~~). (1) Providers shall submit their charges at least monthly and shall present their final charges (~~(not more than)~~) within one hundred twenty days after ((termination of services)) the date the service was rendered. See RCW 74.09.160.

(2) An exception to ~~((this))~~ subsection (1) of this section shall be made as a result of:

(a) A fair hearing decision or court order ((involving a fair hearing decision)) which is favorable to the recipient; or

(b) A retroactive or delayed certification for medical assistance (see chapter 388-80 WAC for definition of retroactive).

~~((in such case;))~~ (3) For exceptions found under subsection (2) of this section providers ((must)) shall present final charges to the department within one hundred twenty days of:

(a) The ((day)) date of the fair hearing decision ((or));

(b) The date the court order was entered ((see RCW 74.08.080)).

(2) ~~When it is obvious that clearance of resources for an applicant will require more time than the one hundred twenty-day billing period permits, an immediate request for permission for late billing shall be made to the department's state office. Permission for late billing cannot be granted if the request is received after expiration of the one hundred twenty-day billing period.~~

(3) ~~The one hundred twenty-day billing limitation begins with the date of certification for retroactive medical coverage approved for payment. See chapter 388-80 WAC for definition of retroactive); or~~

(c) The date of retroactive or delayed certification for medical coverage.

(4) If the charges are not presented within the one hundred twenty-day period, the provider shall not present charges against the state unless prior extension in writing has been given by the division of medical assistance.

(5) Providers shall submit their rebills or adjustments to charges within six months from the date of the most recent or original denial or payment.

(6) Providers shall submit Medicare/Medicaid billings within six months of the Medicare statement.

**WSR 87-22-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed November 4, 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 ownership of resources, new WAC 388-95-337;

that the agency will at 10:00 a.m., Tuesday, December 8, 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 December 9, 1987.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 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 November 24, 1987. The meeting site is in a location which is barrier free.

Dated: November 4, 1987

By: Leslie F. James, Director  
Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: New section WAC 388-95-337.

Purpose: To consider the Washington state community property principles in the determination of ownership of resources.

Reason: The April 20, 1987, decision of the United States Ninth Circuit Court of Appeals reversed the claim of the secretary of Health and Human Services that federal law preempted Washington state's community property law when determining ownership of income. The AAG advises that the same theory used by the Ninth Circuit Court that community property principles must be applied to Medicaid for purposes of determining ownership of income must also be applied to the determination of the ownership of resources.

Statutory Authority: RCW 74.08.090.

Summary: The community property principles will be considered in determining ownership of resources. The value of all community resources will be divided equally between the spouses in determining resources eligibility.

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

Rules are proposed by DSHS.

These rules are necessary as a result of a change in the interpretation of a federal law.

No economic impact statement is required under the Regulatory Fairness Act.

NEW SECTION

WAC 388-95-337 OWNERSHIP OF RESOURCES. The department shall follow Washington state community property principles in determining the ownership of resources.

(1) For purposes of Medicaid eligibility the department shall presume all resources:

(a) Are community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only.

(b) Are the separate property of the nonapplicant spouse if:

(i) Held in the separate name of the nonapplicant spouse, or

(ii) Transferred between spouses pursuant to WAC 388-92-043(4).  
 (2) The department shall divide by two, the total value of the community resources owned by the husband and wife and assign one-half of the total value to each spouse.

**WSR 87-22-091**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2552—Filed November 4, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to eligible persons, amending WAC 388-15-020.

This action is taken pursuant to Notice No. WSR 87-19-089 filed with the code reviser on September 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 pursuant to RCW 74.12.340 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED November 2, 1987.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 1697, filed 8/28/81)

WAC 388-15-020 ELIGIBLE PERSONS. (1) Individuals eligible for services are:

(a) Recipients of aid to families with dependent children (AFDC recipients).

(b) Individuals whose needs were taken into account in determining the needs of AFDC recipients.

(c) Recipients of supplemental security income or state supplementary payments related to age, blindness or permanent and total disability.

(d) Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not exceed eighty percent of the state median gross income for a family of four, adjusted for family size.

(e) Any individual or family regardless of age, blindness or disability, whose gross family income does not exceed eighty percent of the state median income for a family of four, adjusted for family size, except that:

(i) No individual or family is eligible for family planning or alcoholism services whose gross family income is in excess of fifty percent of the state median income for a family of four, adjusted for family size.

(ii) No individual or family is eligible on a group basis for developmental disabilities, case services, developmental disabilities home-aid resources, developmental

disabilities developmental centers or extended sheltered employment unless at least seventy-five percent of persons given these services are members of families whose gross monthly income do not exceed ninety percent of the state median income, adjusted for family size.

(iii) Information and referral services, services to children in the children's own home or protective service may be given to any individual regardless of the level of gross family income. Child protective services are provided without charge. Where ancillary services such as homemaker services are an integral but subordinate part of a protective service plan for children or adults, the services may be provided without regard to the level of gross family income. Chore services can be provided for a maximum of ninety days during any twelve-month period as an integral but subordinate part of an adult protective services plan.

(2) Gross median income for a family of four in the state of Washington effective (~~October 1, 1980~~) January 1, 1987, is (~~twenty-one~~) thirty-one thousand (~~four~~) seven hundred (~~ninety-four~~) eighty-nine dollars. Eighty percent = (~~seventeen~~) twenty-five thousand (~~one~~) four hundred (~~ninety-five~~) thirty-one dollars.

(a) Income tables for eighty percent gross median income:

Number in Family	Monthly Income	Annual Income
1	\$ <del>((745))</del> <u>1,102</u>	\$ <del>((8,942))</del> <u>13,224</u>
2	<del>((974))</del> <u>1,441</u>	<del>((11,693))</del> <u>17,292</u>
3	<del>((1,204))</del> <u>1,780</u>	<del>((14,444))</del> <u>21,360</u>
4	<del>((1,433))</del> <u>2,119</u>	<del>((17,195))</del> <u>25,431</u>
5	<del>((1,662))</del> <u>2,458</u>	<del>((19,946))</del> <u>29,496</u>
6	<del>((1,892))</del> <u>2,797</u>	<del>((22,698))</del> <u>33,564</u>

(b) Income table for fifty-two percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ <del>((484))</del> <u>716</u>	\$ <del>((5,812))</del> <u>8,592</u>
2	<del>((633))</del> <u>937</u>	<del>((7,600))</del> <u>11,244</u>
3	<del>((782))</del> <u>1,157</u>	<del>((9,389))</del> <u>13,884</u>
4	<del>((931))</del> <u>1,378</u>	<del>((11,177))</del> <u>16,536</u>
5	<del>((1,080))</del> <u>1,598</u>	<del>((12,965))</del> <u>19,176</u>
6	<del>((1,229))</del> <u>1,818</u>	<del>((14,753))</del> <u>21,816</u>

(c) Income tables for fifty percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ <del>((466))</del> <u>689</u>	\$ <del>((5,588))</del> <u>8,268</u>
2	<del>((609))</del> <u>901</u>	<del>((7,308))</del> <u>10,812</u>
3	<del>((752))</del> <u>1,113</u>	<del>((9,027))</del> <u>13,356</u>
4	<del>((896))</del> <u>1,325</u>	<del>((10,747))</del> <u>15,900</u>
5	<del>((1,039))</del> <u>1,536</u>	<del>((12,467))</del> <u>18,432</u>
6	<del>((1,182))</del> <u>1,748</u>	<del>((14,186))</del> <u>20,976</u>

(d) Income tables for thirty-eight percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ <del>((354))</del> <u>528</u>	\$ <del>((4,247))</del> <u>6,336</u>
2	<del>((463))</del> <u>685</u>	<del>((5,554))</del> <u>8,220</u>
3	<del>((572))</del> <u>846</u>	<del>((6,861))</del> <u>10,152</u>
4	<del>((681))</del> <u>1,007</u>	<del>((8,168))</del> <u>12,084</u>
5	<del>((790))</del> <u>1,168</u>	<del>((9,475))</del> <u>14,016</u>
6	<del>((898))</del> <u>1,329</u>	<del>((10,781))</del> <u>15,948</u>

(e) See WAC 388-29-100 for grant standards.

(3) Family means two or more persons related by blood, marriage or adoption, residing in the same household, and may include a dependent residing in a separate household for whom support is paid.

(a) Husband and wife are considered a two-person family.

(b) Related adults residing together, other than spouses, are each considered a separate family.

(c) An individual living alone or only with unrelated persons is considered a one-person family. An individual living alone or with unrelated persons may include in his or her application a dependent living in a separate household for whom support is paid.

(d) A child living with legally nonresponsible relatives, a minor living independently, and a child living under the care of unrelated persons are also considered one-person families.

(e) A school-age parent residing in parent's home with child is considered a separate family unit for purpose of determining family income.

(4) Persons applying to provide day care or foster care facilities or a person or persons applying to adopt a child are resources to our primary client, the child. Financial eligibility for these individuals is not required.

(5) Child welfare services may also be provided under Title IV-B of the Social Security Act.

(6) Where other provisions of chapter 388-15 WAC set forth specific eligibility requirements for particular services, such specific provisions shall supersede the general eligibility standards set forth in subsections (1), (2), (3), and (4) of this section.

**WSR 87-22-092**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2553—Filed November 4, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to scope of care for medically needy, amending WAC 388-99-060.

This action is taken pursuant to Notice No. WSR 87-19-022 filed with the code reviser on September 10, 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 Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED November 2, 1987.

By Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2268, filed 8/15/85)

WAC 388-99-060 SCOPE OF CARE FOR MEDICALLY NEEDY. (1) The medical coverage under the limited casualty-medically needy program (~~with~~) shall include case management services; early and periodic screening~~(;)~~; diagnosis and treatment (EPSDT) services; family planning clinic services; inpatient hospital services; outpatient hospital and rural health clinic services; physical medicine and rehabilitation services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses; skilled nursing facility services; intermediate care facility services; intermediate care facility services for the mentally retarded; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) (~~For other~~) Conditions and limitations (under which these services may be provided, refer to appropriate service) in chapter 388-86 WAC shall apply to the limited casualty-medically needy program.

(3) A request for an exception to policy shall (~~not be approved without~~) require a review by the division of medical assistance.

**WSR 87-22-093**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2554—Filed November 4, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Kitsap Physicians Service—Sound Care Plan, amending WAC 388-86-00901.

This action is taken pursuant to Notice No. WSR 87-19-024 filed with the code reviser on September 10, 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 Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED November 2, 1987.

By Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2471, filed 2/19/87)

WAC 388-86-00901 KITSAP PHYSICIANS SERVICE—SOUND CARE PLAN. (1) All AFDC-R recipients who live in Kitsap or Mason counties shall be enrolled in the Kitsap Physicians Service Sound Care Plan (plan), except as provided in subsection (3) of this section.

(2) Timely provision of services: The recipient shall have the right to receive medically necessary care without unreasonable delay.

(3) Exemptions and disenrollment: The following have the right to be exempt from enrollment in the plan or to disenroll from the plan:

(a) Clients for whom medically necessary care that the plan is obligated by contract to provide cannot be made reasonably available. In making the determination, consideration shall include, but not be limited to:

(i) Whether distance or transportation problems make it unreasonably difficult for the recipient to obtain services; or

(ii) Whether the absence of translators or of services accessible to disabled persons makes it unreasonably difficult for the recipient to obtain services.

(b) Indians eligible to receive health services through the Indian Health Service Clinics.

(4) Emergencies: "Emergency" is defined as a situation in which medical services are immediately required to avoid placing an individual's health in serious jeopardy or to alleviate a condition manifesting itself by acute symptoms, including severe pain or discomfort, or active labor. Emergencies and emergency transportation services are exempt from routine medical care authorization procedures.

(a) The recipient is not responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the recipient is not financially responsible for any services rendered.

(c) If an emergency does not exist, and the plan will not authorize further services, the recipient is financially responsible for any further services received only if informed of his/her responsibility prior to the receipt of the services.

(5) Fair hearings: Any applicant or recipient aggrieved by a decision of the plan or the department has the right to a fair hearing as provided in chapter 388-08 WAC.

(a) Except as provided in (b) and (c) of this subsection, a recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date the plan received the grievance.

(b) In any case in which urgently needed medical services are being denied a recipient by the plan, a recipient is only required to provide a written grievance to the plan prior to or at the time of requesting a fair hearing.

(c) An applicant or recipient requesting exemption from enrollment in the plan is not required to file a formal grievance with the plan prior to requesting a fair hearing. The plan may be a party to any such fair hearing.

(6) Primary care physicians (PCP):

(a) All clients shall have an opportunity to choose a PCP from current plan providers. The plan shall assign a PCP to those clients who do not choose an enrolled provider.

(b) A client shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason,

(ii) For any subsequent change during the twelve-month period the client shall first show good cause.

(c) When requesting a change in their PCP the client shall notify the plan of:

(i) The desired change including the name of the new PCP, and

(ii) The reason for the desired change.

(7) Second opinions: The client shall have the right to a second opinion by another participating physician or specialist:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP, or

(b) If the client believes that the PCP is not authorizing medically necessary care.

(8) Physician referral: When medically necessary, the PCP shall make a prompt referral to another participating physician or specialist.

(9) Program administration:

(a) A medical director appointed by the plan shall:

(i) Be responsible for the plan's quality assurance program and shall review all plan grievances,

(ii) Furnish the division of medical assistance with a copy of and the plan's response to all written grievances.

(b) An independent, external review of the quality of services provided or arranged by the plan for clients shall be conducted on an annual basis.

**WSR 87-22-094**

**ADOPTED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(Public Assistance)**

[Order 2555—Filed November 4, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to case management services, new WAC 388-86-017.

This action is taken pursuant to Notice No. WSR 87-19-020 filed with the code reviser on September 10, 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 Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED November 2, 1987.

By Leslie F. James, Director  
Administrative Services



**NEW SECTION**

**WAC 388-86-017 CASE MANAGEMENT SERVICES.** (1) The department shall provide case management services to medical assistance recipients:

- (a) By contract with providers of case management services.
- (b) Limited to target groups of clients as determined by the contract.
- (c) Limited to services as determined by the contract.
- (2) Case management services are services which will assist clients in gaining access to needed medical, social, educational, and other services.

**WSR 87-22-095  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Order 2556—Filed November 4, 1987]**

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-54-740 Income—Deductions.
- Amd WAC 388-54-785 Issuance—Monthly allotments.

This action is taken pursuant to Notice No. WSR 87-19-152 filed with the code reviser on September 23, 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 Department of Social and Health Services as authorized in RCW 74.04.050.

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

APPROVED AND ADOPTED November 2, 1987.

By Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2523, filed 8/17/87)

**WAC 388-54-740 INCOME—DEDUCTIONS.** In computing net income, only the following deductions shall be allowed:

- (1) A standard deduction of ~~((ninety-nine))~~ one hundred and two dollars per household per month.
- (2) An earned income deduction of twenty percent of gross earned income. Earnings excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.
- (3) A dependent care deduction for households shall be the amount actually paid not to exceed one hundred sixty dollars. Payments for the care of a child or other dependent will be allowed when necessary for a household member to accept or continue employment, seek

employment, or attend training or education preparatory to employment.

(4) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction shall not exceed one hundred ~~((forty-nine))~~ fifty-two dollars for those persons certified prior to October 1, 1987, for the life of the certification period and one hundred sixty-four dollars for those persons certified or recertified on or after October 1, 1987.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, sewage disposal, and a standard basic telephone allowance, and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as central air conditioners or operation of a room air conditioner.

Persons in Household	Annualized Utility Standards
1	\$ 131
2	140
3	150
4	158
5	169
6	178
7	184
8	191
9	199
10 or more	209

(e) Households billed by their landlords for actual usage as determined through individual metering may qualify for the standard utility allowance.

(f) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(g) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately.

(i) The telephone standard for families incurring telephone costs, but not entitled to claim the standard utility allowance, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the standard utility allowance, but which have telephone expenses.

(h) If a household requests and can verify the household's utility bills, the actual utility costs shall be used rather than the standard utility allowance.

(i) A household shall be allowed to switch between actual utility costs and the utility standard at each recertification action and one additional time during each twelve-month period following the initial certification action.

(j) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

(k) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(l) If in any month of the certification period actual out-of-pocket heating or cooling expenses exceed the prorated energy assistance vendor payment, the household is entitled to receive the standard utility allowance.

(m) If the prorated energy assistance vendor payment exceeds the heating or cooling expense for every month of the certification period, the household can count the entire expense billed by the provider toward actual utility costs regardless of the energy assistance vendor payment.

(n) Energy assistance vendor payments are prorated on a monthly basis over the entire heating or cooling season for which it is provided.

(5) Households containing an elderly or disabled member, as defined in WAC 388-54-665 (2)(b), shall be authorized an excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665 (2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

**AMENDATORY SECTION** (Amending Order 2440, filed 11/10/86)

WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS. (1) Based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility except no allotment shall be issued at less than ten dollars.

(2) The department shall determine the value of the allotment a household receives (taking into consideration the requirement within subsection (1) of this section to prorate the initial month's allotment) by multiplying the household's net monthly income by thirty percent, rounding the product up to the next whole dollar if it ends with one through ninety-nine cents, and subtract the result from the thrifty food plan for the appropriate household size. If the computation results in an allotment of one dollar, three dollars, or five dollars, the amount shall be rounded up to two dollars, four dollars, or six dollars, respectively.

Household Size	Thrifty Food Plan Amounts
1	\$ <del>((8+))</del> 87
2	<del>((+49))</del> 159
3	<del>((21+))</del> 228
4	<del>((27+))</del> 290
5	<del>((322))</del> 344
6	<del>((387))</del> 413
7	<del>((428))</del> 457
8	<del>((489))</del> 522

Household Size	Thrifty Food Plan Amounts
9	((550)) 587
10	((644)) 652
Each additional member	+((64)) 65

(3) All one- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month where no household may receive a pro rata allotment of less than ten dollars.

**WSR 87-22-096**  
**PROPOSED RULES**  
**ATTORNEY GENERAL'S OFFICE**  
[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Attorney General's Office intends to adopt, amend, or repeal rules concerning the implementation and regulation of chapter 19.118 RCW as follows:

New	WAC 44-10-010	Definitions.
New	WAC 44-10-030	Arbitration requests.
New	WAC 44-10-040	Attorney general screening of arbitration requests.
New	WAC 44-10-050	Assignment to arbitration service.
New	WAC 44-10-060	Powers and duties of arbitration special master.
New	WAC 44-10-070	Manufacturer's statement.
New	WAC 44-10-080	Manufacturer's rights to request a viewing of motor vehicle.
New	WAC 44-10-100	Subpoenas.
New	WAC 44-10-110	Scheduling of arbitration hearings.
New	WAC 44-10-120	Withdrawal.
New	WAC 44-10-130	Defaults.
New	WAC 44-10-140	Representation by counsel.
New	WAC 44-10-150	Predecision settlement of dispute.
New	WAC 44-10-160	Use of technical expert.
New	WAC 44-10-170	Powers and duties of arbitrators.
New	WAC 44-10-180	The arbitration hearing.
New	WAC 44-10-200	The arbitration decision.
New	WAC 44-10-210	Technical corrections;

that the agency will at 10:00 a.m., Friday, December 11, 1987, in the Thirteenth Floor Library, Dexter Horton Building, Seattle, Washington 98104-1749, 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 19.118.080 (2) and (7).

The specific statute WAC 44-10-010 is intended to implement is RCW 19.118.021. The specific statutes WAC 44-10-030, 44-10-040, 44-10-110, 44-10-120, 44-10-130, 44-10-200 and 44-10-210 are intended to implement is RCW 19.118.090 and chapter 19.118 RCW. The specific statutes WAC 44-10-060, 44-10-070, 44-10-080, 44-10-150, 44-10-160, 44-10-170 and 44-10-180 are intended to implement is RCW 19.118.080, 19.118.090 and chapter 19.118 RCW. The specific statutes WAC 44-10-100 is intended to implement is RCW 19.118.031 and 19.118.080. The specific statute WAC 44-10-140 is intended to implement is RCW 19.118.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1987.

Dated: November 4, 1987

By: Tad H. Shimazu

Assistant Attorney General

Lemon Law Program Administrator

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Attorney General's Office.

Purpose/Summary of Rules: WAC 44-10-010 defines the terms "arbitration service," "arbitration special master," "attorney general," "condition," "person" and "subject to diagnosis or repair"; 44-10-030 provides that a consumer must submit a request for arbitration in order to apply for new motor vehicle arbitration; 44-10-040 sets up the review procedure for the attorney general to determine if requests are timely, complete and comply with the jurisdictional requirements of chapter 19.118 RCW; 44-10-050 sets up the process by which the arbitration service will further screen a request. Provisions for notification of the consumer and manufacturer are also provided; 44-10-060 outlines the powers and duties of an arbitration special master; 44-10-070 requires the manufacturer to respond to the consumer's request in the form of a manufacturer's statement which identifies the affirmative defenses and statutory rights that the manufacturer will exercise; 44-10-080 establishes the manufacturer's right to view the vehicle and outlines the process for obtaining a reasonable viewing date, time and place; 44-10-100 outlines in detail the subpoena authority granted to the attorney general by RCW 19.118.080. The process utilizes the arbitration special master to rule on challenges to the scope of the subpoena; 44-10-110 establishes that the arbitration service has discretionary authority to schedule arbitration hearings; 44-10-120, the consumer may withdrawal from the arbitration process; 44-10-130 sets forth the procedures to be followed by the arbitrator in the event of a default. The arbitration special master will determine if the default is justified by an extraordinary and unforeseeable personal emergency. In such instances the hearing will be rescheduled; 44-10-140, any party may be represented by counsel. A party may rely on the assistance of another if handicap or language barrier precludes an adequate pro se representation; 44-10-150, the attorney general or the arbitration service shall be notified of any predecision settlement of a dispute; 44-10-160, an automotive technical expert may be utilized by the arbitrator to provide advice in the arbitration hearing; 44-10-170 establishes the powers and duties of arbitrators; 44-10-180 outlines the arbitration hearing process, including consideration of relevant evidence, presentation format and alternative formats such as written testimony and telephonic conferences, and measures to ensure the impartiality of arbitrators; 44-10-200 provides the format for the arbitration decision and the procedural steps to be taken in various arbitration outcomes; and 44-10-210 provides for technical corrections of arbitration decision within ten days of the decision.

Statutory Authority: RCW 19.118.080 and 19.118.090.

Reasons Proposed: To implement chapter 19.118 RCW and to provide standards for uniform conduct of the arbitrators and uniform standards to administer the arbitration process.

Responsible Departmental Personnel: In addition to the attorney general, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Tad Shimazu, Assistant Attorney General, Consumer and Business Fair Practices Division, 1300 Dexter Horton Building, Seattle, Washington 98104-1749, phone (206) 464-7030 or 576-7030 scan.

Proponents: State of Washington Attorney General's Office.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

#### NEW SECTION

WAC 44-10-010 DEFINITIONS. Terms, when used in this chapter, shall have the same meaning as terms used in chapter 19.118 RCW. The following definitions shall supplement or aid in the interpretation of the definitions set forth in chapter 19.118 RCW.

(1) The phrase "Arbitration Service" means the agency, firm, board, organization, individual or other entity selected by the Attorney General through a Request For Proposal to conduct the arbitrations provided under chapter 19.118 RCW.

(2) The phrase "Arbitration Special Master" means the individual or group of individuals selected by the Arbitration Service to hear and decide special issues brought before the Arbitration Service by the parties.

(3) The terms "Attorney General" or "Attorney General's Office" means the person duly elected to serve as Attorney General of the State of Washington and delegates authorized to act on his or her behalf.

(4) The term "condition" includes any symptom, circumstance or phenomenon regarded by the consumer as an indication of a condition.

(5) The term "person" includes every natural person, firm, partnership, corporation, association, or organization.

(6) The phrase "subject to diagnosis or repair" means any time a consumer turns a vehicle over to an authorized dealer, manufacturer or its agent, and requests a diagnosis or repair, whether or not the nonconformity of which the consumer complains manifests itself or whether work on the nonconformity is actually performed.

#### NEW SECTION

WAC 44-10-030 ARBITRATION REQUESTS. A consumer must submit a completed Request For Arbitration form with copies of supporting documentation to the Attorney General's Office, Lemon Law Administration in Seattle, in order to apply for the new motor vehicle arbitration process. The Request For Arbitration form will be supplied, upon request, by the Attorney General's Office.

#### NEW SECTION

WAC 44-10-040 ATTORNEY GENERAL SCREENING OF ARBITRATION REQUESTS. (1) A submitted Request For Arbitration form shall be date stamped upon receipt by the Attorney General.

(2) The Attorney General will screen the Request For Arbitration form and supporting documentation to determine if the request is timely, complete and complies with the jurisdictional requirements of chapter 19.118 RCW.

(a) A request will be considered timely if it is received within thirty months from the date of initial delivery to the original consumer.

(b) If a request is not timely or does not comply with the jurisdictional requirements of chapter 19.118 RCW the Attorney General will

reject the request and then notify the consumer of the reason for the rejection.

(c) A request will be considered complete if the information required by the request form is provided in full or if the consumer can provide a reasonable explanation to the Attorney General why any supporting documentation may be absent.

(d) If a request is not complete, the Attorney General will notify the consumer of any procedures or information required to complete the request.

(3) If the Attorney General finds that a request is not complete, the statute of limitations, for purposes of chapter 19.118 RCW, will commence two business days after the date the Attorney General mails notice of incompleteness to the consumer.

#### NEW SECTION

WAC 44-10-050 ASSIGNMENT TO ARBITRATION SERVICE. (1) After initial screening by the Attorney General, all timely and complete Request For Arbitration forms which have met the jurisdictional requirements of chapter 19.118 RCW shall be date stamped upon approval by the Attorney General and forwarded to the Arbitration Service which will date stamp the request upon receipt.

(2) The Arbitration Service shall have three business days from the date of their receipt of the request to reject the request for reasons set forth in RCW 19.118.090, or to accept the request for arbitration.

(3) The Arbitration Service shall date stamp the Request For Arbitration immediately upon acceptance of the request. The acceptance of the request shall commence the running of the thirty calendar day period in which a hearing must be conducted.

(4) Upon acceptance of a request, the Arbitration Service shall immediately send a Notice of Arbitration to the consumer and manufacturer of its acceptance and shall inform the parties that a hearing shall be held within thirty calendar days. The parties shall be informed that they will receive formal notice of the actual hearing date at least ten calendar days before the hearing. The manufacturer shall be sent a copy of the consumer's request and a Manufacturer's Statement form with the Notice of Arbitration.

#### NEW SECTION

WAC 44-10-060 POWERS AND DUTIES OF ARBITRATION SPECIAL MASTER. One or more Arbitration Special Masters shall be appointed by the Arbitration Service to hear and decide preliminary and post-hearing issues that must be resolved, including but not limited to; motions to quash subpoenas, motions for telephone conference hearings, requests for continuances, requests to view the vehicle. The Arbitration Special Master may conduct telephonic conferences with a party or parties, as appropriate, and may request additional written information in order to rule on issues.

#### NEW SECTION

WAC 44-10-070 MANUFACTURER'S STATEMENT. (1) The manufacturer shall be required, on a form prescribed by the Attorney General, to provide information relevant to the resolution of the dispute to the consumer and Arbitration Service. The manufacturer shall ensure that the completed Manufacturer's Statement form is received by the Arbitration Service and consumer within ten calendar days from the date of receipt of the Notice of Arbitration. The Manufacturer's Statement form shall be completely answered and shall include, but not be limited to, the following information:

(a) A statement of any affirmative defenses, and any legal or factual issues to be raised at the hearing. Any issues or affirmative defenses not raised in proceedings prior to the hearing may not be raised at the hearing;

(b) the name, title, and business address of any person(s) the manufacturer plans to call as witnesses or from whom affidavits or written testimony will be presented;

(c) a statement identifying the year, make, model, options, color and any other significant information pertaining to the vehicle or vehicles it intends to offer as a reasonably equivalent replacement vehicle if the consumer prevails and requests replacement. If the manufacturer believes in good faith that replacement is impossible or unreasonable, the manufacturer must raise such issue in its statement.

(2) The manufacturer must exercise its right to request a viewing of the consumer's motor vehicle by including a request to view the vehicle in the Manufacturer's Statement.

**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 44-10-080 MANUFACTURER'S RIGHT TO REQUEST A VIEWING OF MOTOR VEHICLE.** (1) A manufacturer may request a viewing of the vehicle to aid in preparation of its defense. Such request must be indicated in the Manufacturer's Statement.

(2) The manufacturer and the consumer shall attempt to arrange a mutually agreeable time and location for such viewing. If after reasonable good faith attempts to arrange a viewing, a mutually agreeable time and location is not established, the manufacturer may request from the Arbitration Service that a Arbitration Special Master set a time and location for viewing.

(3) The Arbitration Special Master, upon such request, shall establish a time and location for viewing that is reasonably convenient for the consumer. The location may be the consumer's residence if other locations are not reasonably convenient. The consumer must be present during the viewing, unless the consumer expressly waives in writing the right to be present.

(4) The viewing is not meant to be another attempt to repair or diagnose the vehicle, and no diagnostic or repair procedures shall be conducted.

#### NEW SECTION

**WAC 44-10-100 SUBPOENAS.** (1) A subpoena issued by the Attorney General, pursuant to chapter 19.118 RCW, shall identify the party causing the issuance of the subpoena, designate that the subpoena is issued by the Attorney General pursuant to RCW 19.118.080, state the purpose of the proceeding and shall command the person to whom it is directed to produce designated books, documents, or things under his or her control at the time and place set in the subpoena.

(2) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the person, or by giving a copy of the subpoena, or by leaving such copy at the place of his or her abode. When service is made by any other person than an office authorized to serve process, proof of service shall be made by affidavit.

(3) A person to whom a subpoena is directed may move to quash the subpoena. The motion to quash must be accompanied by a short memorandum or statement setting forth the foundation for the motion. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party by whom the subpoena was issued) the Arbitration Special Master may quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter at issue.

(4) Any objection to the production of evidence shall be treated as a motion to quash to be decided by the Arbitration Special Master.

(5) If a person fails to obey a subpoena, upheld by the Arbitration Special Master, the Attorney General may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask for an order of the court to compel the production of relevant evidence for the arbitration hearing. The court upon such petition shall enter an order directing the person to appear before the court at a time and place to be fixed in such order and then and there to show cause why the person has not responded to the subpoena or has refused to comply. A copy of the order shall be served upon the person. If it appears to the court that the subpoena was properly issued and upheld by the Arbitration Special Master, the court shall enter an order that the person appear at the time and place fixed in the order and produce the required evidence, and on failing to obey said order the person shall be dealt with as for contempt of court.

(6) The Arbitration Service shall have three business days from the receipt of the Manufacturer's Statement to determine whether to submit a request from itself or the parties, to the Attorney General to issue a subpoena for the production of evidence. The person subject to the subpoena must comply or submit a motion to quash before the Arbitration Special Master within five business days of receipt of the subpoena. The Arbitration Special Master shall have five business days to hear and rule on a motion to quash. If the Arbitration Special Master upholds a subpoena the person shall have five business days to

comply with the subpoena. If the person does not comply the Attorney General may bring a show cause motion in superior court.

#### NEW SECTION

**WAC 44-10-110 SCHEDULING OF ARBITRATION HEARINGS.** The Arbitration Service has the authority to schedule at its discretion the arbitration hearing and notify both parties of the date, time and place by certified mail at least ten calendar days prior to the hearing. Hearings may be scheduled during business hours, Monday through Thursday evenings, or Saturdays.

#### NEW SECTION

**WAC 44-10-120 WITHDRAWAL.** (1) A consumer may withdraw a request for arbitration at any time;

(a) A withdrawal requested at least three business days prior to the scheduled hearing shall be granted without prejudice, although upon withdrawal, the thirty month statute of limitations shall resume running. A consumer who has withdrawn may resubmit the claim for arbitration. However, if the consumer withdraws the second request, the withdrawal shall be considered a withdrawal with prejudice, with the same effect as a withdrawal under WAC 44-10-120 (1)(b).

(b) A withdrawal requested less than three business days prior to the scheduled hearing shall be granted with prejudice and the consumer shall not be allowed to resubmit the claim for arbitration.

#### NEW SECTION

**WAC 44-10-130 DEFAULTS.** (1) A party who fails, without good cause, to appear at the arbitration hearing will be considered in default.

(2) If a manufacturer defaults the arbitrator shall hold the hearing. The arbitrator shall make a decision based on the evidence presented by the consumer, and any files or documentation contained in the record.

(3) If the consumer defaults it shall be considered a withdrawal with prejudice of the claim for arbitration. The hearing shall be canceled if the consumer defaults.

(4) The default shall be final unless within twenty-four hours of the hearing time, the manufacturer or consumer presents satisfactory evidence of an extraordinary and unforeseeable personal emergency that, in the discretion of the Arbitration Special Master, justifies the failure to appear. If the Arbitration Special Master excuses the failure to appear, a new hearing shall be scheduled within ten calendar days of the original hearing date, and the parties shall be given at least five business days notice of the new date and time.

(5) If both parties default, the disposition of the case shall be handled as if only the consumer defaulted pursuant to WAC 44-10-130(3).

**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 44-10-140 REPRESENTATION BY COUNSEL.** (1) Any party to the arbitration hearing may be represented by counsel. If either party opts to be so represented, said party shall immediately notify the Arbitration Service and the other party of the name and address of the attorney.

(2) The consumer may be represented by himself or herself or by legal counsel, but may not be represented by a non-attorney. However, a person, acting as an interpreter, may assist a party in the presentation of the case if such assistance is necessary because of a mental or physical handicap or language barrier which would preclude the party from adequately representing himself or herself pro se.

(3) A manufacturer may be represented by legal counsel or an appointed representative or agent of the manufacturer.

#### NEW SECTION

**WAC 44-10-150 PRE-DECISION SETTLEMENT OF DISPUTE.** (1) One or both of the parties shall notify the Arbitration Service and Attorney General if the dispute is settled at any time after the Request For Arbitration is received and before the decision is rendered. The Attorney General shall verify the terms of the settlement to which the parties have agreed. The disclosure of terms is for statutorily

required record keeping only. The settlement is not subject to approval by the Arbitration Service or the Attorney General.

(2) Notice of settlement shall be treated procedurally as if the consumer had withdrawn from the arbitration process, as set forth in WAC 44-10-120.

#### NEW SECTION

**WAC 44-10-160 USE OF TECHNICAL EXPERT.** (1) An adequate pool of automotive technical experts shall be maintained by the Arbitration Service for assignment as advisors and consultants to each arbitrator if such services are deemed necessary.

(2) Either party may request that a technical expert be assigned to a dispute. Such assignment, however, shall be at the discretion of the arbitrator. The arbitrator may upon his or her own volition assign a technical expert to a dispute. Any request for a technical expert must be made within a time frame that will allow for reasonable inspection by the expert.

(3) Said expert may be present as advisor and consultant at the arbitration hearing, if he or she has been requested to be present by the arbitrator.

(4) The expert shall sign a written oath attesting to his or her impartiality prior to the commencement of each arbitration hearing to which he or she has been assigned.

#### NEW SECTION

**WAC 44-10-170 POWERS AND DUTIES OF ARBITRATORS.** (1) Arbitrators shall have the duty to conduct fair and impartial hearings, to take all necessary actions to avoid delay in the disposition of proceedings, to maintain order, and to meet the sixty day time frame required by RCW 19.118.090 for the rendering of a decision. They shall have all powers necessary to meet these ends including, but not limited to, the power:

(a) To consider any and all evidence offered by the parties which the arbitrator deems necessary to an understanding and determination of the dispute;

(b) to request the Attorney General to issue subpoenas to compel the production of documents, records, and things relevant to the dispute;

(c) to regulate the course of the hearings and the conduct of the parties, their representatives and witnesses;

(d) to schedule vehicle inspection by the technical experts, if deemed necessary, at such time and place as the arbitrator determines;

(e) to continue the arbitration hearing to a subsequent date if, at the initial hearing, the arbitrator determines that additional information is necessary in order for said arbitrator to render a fair and accurate decision. Such continuance shall be held within ten days of the initial hearing.

(2) Arbitrators shall maintain their impartiality throughout the course of the arbitration proceedings.

(a) An arbitrator shall sign a written oath prior to the commencement of each arbitration hearing to which he or she has been assigned, attesting to his or her impartiality in that case.

(b) There shall be no direct communication between the parties and the arbitrators other than at the arbitration hearing. Any other oral or written communications between the parties and the arbitrators shall be channeled through the Arbitration Service for transmittal to the appropriate arbitrator. Any such prohibited contact shall be reported by the arbitrators to the Arbitration Service and noted in the case record.

#### NEW SECTION

**WAC 44-10-180 THE ARBITRATION HEARING.** (1) The conduct of the hearing shall encourage a full and complete disclosure of the facts.

(2) Arbitrators may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent people in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. It shall, however, be in the arbitrator's sole discretion whether to examine or ride in the consumer's vehicle.

(3) The consumer shall present his or her evidence and witnesses, then the manufacturer shall present its evidence and witnesses.

(4) Each party may question the other after each presentation, and may question each witness after testimony. The arbitrator may question any party or witness at any time.

(5) The arbitrator shall ensure that a record of the hearing is maintained,

(6) The arbitrator shall administer an oath or affirmation to each individual who testifies.

(7) The hearing procedure contemplates that both parties will be present. However, either party may offer written testimony only, as long as the Arbitration Service and the other party are informed of such and are in receipt of that evidence prior to the day of the hearing.

(8) In unusual circumstances, a party may request presentation of its case by telephone. Such requests shall be directed to the Arbitration Service and will be decided by the Arbitration Special Master. If such request is granted the Arbitration Service shall immediately notify the other party. In such cases, the party requesting the telephonic hearing shall pay all costs associated therewith, including but not limited to, costs for long distance calls, conference calls, and rental of telephone amplification equipment.

(9) The Arbitration Service shall assign arbitrators to the pending cases. The choice of arbitrators is not subject to the approval of either party.

(10) Arbitrators must not have a personal interest in the outcome of any hearing, nor be acquainted with any of the participants except as such acquaintance may occur in the hearing process, nor hold any prejudice toward any party. Arbitrators shall have no current connection to the sale or manufacturer of motor vehicles.

#### NEW SECTION

**WAC 44-10-200 THE ARBITRATION DECISION.** (1) The arbitrator shall send, by certified mail, a decision in each case within sixty calendar days of the Notice of Arbitration:

(a) All decisions shall be in writing, dated and signed by the arbitrator, and sent to both parties and the Attorney General;

(b) the date of mailing of the arbitration decision shall determine compliance with the sixty day requirement and be the date used to calculate appeal deadlines;

(c) the written decision shall contain findings of fact and a conclusion as to whether the motor vehicle meets the statutory standards for refund or replacement;

(i) if the consumer prevails and has elected repurchase of the vehicle, the decision shall include the calculations used to determine the monetary award as set forth in RCW 19.118.090, 19.118.041 and 19.118.021;

(ii) if the consumer prevails and has elected replacement of the vehicle, the decision shall include the information used to identify a reasonably equivalent replacement vehicle and the costs associated with such vehicle and a description of the vehicle as set forth in RCW 19.118.090, 19.118.041 and 19.118.021;

(iii) if the consumer prevails, the decision shall include provisions for the return of the vehicle upon compliance by the manufacturer at a reasonable time and place.

(2) Included with the copy of the arbitration decision sent to the consumer shall be a form to be completed by said consumer, indicating acceptance or rejection of the decision. The consumer must return said form to the Arbitration Service within thirty calendar days from the date of the consumer's receipt of said notice.

(3) If the consumer rejects the decision, the Arbitration Service shall forward information to the consumer explaining the consumer's right to appeal the decision to superior court. A form shall be included with the information, and if the consumer files an appeal, the consumer will be requested to return the form to the Attorney General indicating the cause number and county of the filing.

(4) If the consumer accepts the decision, the Arbitration Service shall send a Notice of Acceptance by certified mail to the manufacturer. A Manufacturer's Intent form shall also be sent. The Intent form shall be returned by the manufacturer within thirty calendar days to the Attorney General and shall indicate whether the manufacturer intends to comply with the decision or appeal the decision to superior court.

(5) A Verification of Compliance form shall be sent to the consumer by the Attorney General's Office. The Verification of Compliance form shall be completed and returned to the Attorney General by the consumer upon the manufacturer's compliance with the decision.

(6) After forty calendar days from the date of the Notice of Acceptance to the manufacturer, the Attorney General shall determine whether the manufacturer has complied with the arbitration decision

or appealed to superior court. If the manufacturer has not complied or appealed, the Attorney General may impose fines authorized by RCW 19.118.090. Information regarding the manufacturer's right to contest the fines shall be provided by the Attorney General.

#### NEW SECTION

**WAC 44-10-210 TECHNICAL CORRECTIONS.** (1) The Arbitration Service or the Attorney General may make "technical corrections" to an arbitrator's decision. "Technical corrections" shall generally be defined as computational corrections, typographical corrections, or other minor corrections.

(2) Requests for technical corrections shall be made in writing, setting forth the requested correction and reason. Such requests must be received by the Arbitration Service within ten calendar days of the mailing of the arbitrator's written decision.

**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 87-22-097**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed November 4, 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 Steilacoom, town of, amending WAC 173-19-3512;

that the agency will at 2:00 p.m., Wednesday, December 16, 1987, in Room 273, Abbott Raphael Hall, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 5, 1988.

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 December 23, 1987.

Dated: November 4, 1987

By: Phillip C. Johnson  
Deputy Director, Programs

#### STATEMENT OF PURPOSE

**Title:** Amending WAC 173-19-3512, Steilacoom, town of.

**Description of Purpose:** Adoption of a shoreline master program into state master program, chapter 173-19 WAC.

**Statutory Authority:** RCW 90.58.120 and 90.58.200.

**Summary of Rule:** Adopts a shoreline master program for the town of Steilacoom.

**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:** Thomas Mark, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6787.

**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 DE 79-34, filed 1/30/80)

**WAC 173-19-3512 STEILACOOM, TOWN OF.** Town of Steilacoom master program approved January 5, 1988.

**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 87-22-098**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed November 4, 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 Long Beach, city of, amending WAC 173-19-3302;

that the agency will at 7:00 p.m., Tuesday, December 15, 1987, in the Long Beach City Council Chambers, 115 Bolstad Avenue West, Long Beach, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 5, 1988.

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 December 22, 1987.

Dated: November 4, 1987

By: Phillip C. Johnson  
Deputy Director, Programs

#### STATEMENT OF PURPOSE

**Title:** Amending WAC 173-19-3302, Long Beach, city of.

**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:** Adopts revisions to the shoreline master program for the city of Long Beach.

**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: Tom Mark, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6787.

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 DE 79-34, filed 1/30/80)

WAC 173-19-3302 LONG BEACH, TOWN OF. Town of Long Beach master program approved May 2, 1975. Revision approved January 5, 1988.

**WSR 87-22-099**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed November 4, 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 permits for developments on shorelines of the state, amending chapter 173-14 WAC;

that the agency will at 7:00 p.m., Tuesday, December 8, 1987, at the Department of Ecology Central Regional Office, Conference Room, 3601 West Washington, Yakima, WA, and at 7:00 p.m., Thursday, December 10, 1987, at the Department of Ecology Southwest Regional Office, Conference Room, 7272 Cleanwater Lane, Tumwater, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 5, 1987 [1988].

The authority under which these rules are proposed is RCW 90.58.200.

Dated: October 28, 1987

By: Phillip C. Johnson  
Deputy Director, Programs

**STATEMENT OF PURPOSE**

Title: Amending chapter 173-14 WAC, Permits for developments on shorelines of the state.

Description of Purpose: Would allow one renewal of a shoreline substantial development permit for a period of not more than five years and would amend the definition of "conditional use" to make it consistent with a recent Supreme Court case.

Statutory Authority: RCW 90.58.200.

Summary of Rule: Gives local government the authority to renew a shoreline substantial development permit provided that findings are entered that; the development is being conducted consistent with the original

approval, the renewal is consistent with the original permit and that no new significant adverse environmental effect will result from the renewal. Local government may condition a renewal to address changed circumstances or identified new adverse environmental effects. The department would review the renewal where it is for a conditional use or a variance and also could attach conditions to the approval. The change in the definition of "conditional use" would eliminate the part of the definition referring to a minimum value. The Washington Supreme Court found that any use which is listed as a conditional use in a local master program requires a shoreline conditional use permit regardless of whether or not the proposal is a substantial development as defined in the act.

Reasons Supporting Proposed Action: Would allow for the expeditious approval of continuation of projects which legitimately require more than six years to complete and which have operated within the terms of the original permit and without adverse effects of the environment. Safeguards are provided to assure that new information can be incorporated into the project's conditions or operations.

Agency Personnel Responsible for Drafting: Thomas Mark, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6787; Implementation and Enforcement: Local government and WDOE.

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: The proposal is the result of an extensive review process. A summary of the comments received on the most recent version of the proposal is attached. To date no comments have been received on this proposal.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: The amendment to the definition of conditional use is supported by Washington Supreme Court Case, Clam Shacks of America, Inc., Petitioner, v. Skagit County, et al, Respondents. (October 1, 1987)

Small Business Economic Impact Statement: The proposal to establish a renewal process may assist small business.

AMENDATORY SECTION (Amending Order 86-06, filed 5/23/86)

WAC 173-14-030 DEFINITIONS. The following definitions shall apply:

(1) "Act" means chapter 286, Laws of 1971 ex. sess., chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government;

(3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: PROVIDED, That in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure;

(4) "Conditional use" means a use or development which is classified as a conditional use or is not classified within the applicable master program (~~and development exceeds two thousand five hundred~~



~~dollars in total cost or fair market value or materially interferes with the normal public use of the water or shorelines of the state);~~

(5) "Department" means the department of ecology;

(6) "Exempt" developments are those set forth in WAC 173-14-040 which do not meet the definition of substantial development under RCW 90.58.030 (3)(e);

(7) "Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project;

(8) "Final order" includes the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115;

(9) "Height" is measured from average grade level to the highest point of a structure: PROVIDED, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines, or the applicable master program provides otherwise: PROVIDED FURTHER, That temporary construction equipment is excluded in this calculation;

(10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

(12) "Party of record" includes all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-14-070;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the department's final order is certified for mailing or, for hand-delivered items, is the date of receipt at the destination; and

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

(19) The definitions and concepts set forth in RCW 90.58.030 also apply as used herein.

#### AMENDATORY SECTION (Amending Order DE 87-09, filed 8/5/87)

WAC 173-14-060 TIME REQUIREMENTS OF PERMIT. The following time requirements shall apply to all permits:

(1) Substantial progress toward completion of a permitted activity shall be undertaken within two years after the approval of the permit by local government. Substantial progress shall include all of the following, where applicable: The making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or, where no construction is involved, commencement of the activity: PROVIDED, That local government may authorize a single extension before the end of the time limit, with prior notice to parties of record and the department, for up to one year based on reasonable factors.

(2) Permit authorization shall terminate within five years after the approval of the permit by local government: PROVIDED, That local government may authorize a single extension before the end of the time limit, with prior notice to parties of record and the department, for up to one year based on reasonable factors, or may renew the permit pursuant to the provisions of WAC 173-14-061.

(3) The running of a permit time period shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.

(4) Local government may issue permits with a fixed termination date of less than five years.

(5) When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: PROVIDED, That an alternative compliance limit may be specified in the permit.

(6) Revisions to permits under WAC 173-14-064 may be authorized after original permit authorization has expired under subsection (2) of this section: PROVIDED, That this procedure shall not be used to extend the original permit time requirements.

#### NEW SECTION

WAC 173-14-061 RENEWAL OF PERMITS. Permits for authorized developments or activities which have not been completed prior to permit expiration pursuant to WAC 173-14-060 may be renewed for a period not to exceed five years from the expiration date of the original permit under the following requirements.

(1) Applications for permit renewal shall be submitted prior to expiration of the original permit and should be submitted to local government at least thirty days prior to expiration of the original permit.

(2) The application shall be in writing and shall include as a minimum, the following information: Name of the applicant, mailing address, local government and/or department permit number, a brief description of the project, and an explanation of the reason that a renewal is requested. Local government may establish additional specific application requirements for permit renewals. Upon receipt of a complete and timely application for renewal, the construction or operational authorization contained in the original permit is extended until a decision on the renewal is made by local government or for ninety days whichever is less. Local government shall act on the application within ninety days of acceptance.

(3) A permit renewal may be granted when it meets the following criteria:

(a) The proposed renewal does not include a change in the plans, specifications and/or conditions of the permit;

(b) The project has been conducted in compliance with the plans, specifications and/or conditions of the permit;

(c) For activities involving construction of structures, development has been continuously pursued. Development has not been continuous if discontinued for six months or greater, except for circumstances that are beyond the control of the applicant; and

(d) No new substantial adverse environmental impact will be caused by renewal of the permit.

(4) If the renewal does not comply with all of the provisions of subsection (3) of this section, local government shall deny the renewal.

(5) Where changed circumstances including but not limited to, amendments to the master program, or new information related to the environmental effect of the development indicate a need, conditions may be attached to the approval of a renewal by local government, for substantial development permits, and by local government or the department where the original permit included conditional use or variance approval. Said conditions shall be limited to addressing the incomplete portion of a project. Conditions shall be supported by written findings citing specific changed circumstances or new information.

(6) Local government's final ruling shall include a statement of findings relative to the criteria in subsection (3) of this section. Within eight days of the date of final local government action, the renewal, including the application and the findings, shall be filed with the department and the attorney general. Within this time, local government shall notify parties of record for the original permit of the local government's action. Notice to the parties of record should clearly identify the project, describe the action taken and shall include a summary of the appeal process and time requirements.

(7) If the original permit includes a conditional use or variance, local government shall submit approved renewals to the department for the department's approval, approval with conditions, or denial. The department shall render and transmit to local government and the applicant its final decision within thirty days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(8) The renewed permit is effective immediately upon final action by local government or, when appropriate under subsection (7) of this section, by the department: PROVIDED, That construction begun or

operations conducted under a renewed permit during the appeal period under subsection (9) of this section is at the applicant's own risk.

(9) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within thirty days from the date of receipt of the local government's action by the department or, when appropriate under subsection (7) of this section, the date the department's final decision is transmitted to local government and the applicant: PROVIDED FURTHER, That construction begun or operations conducted under a renewed permit during the pendency of any appeal is at the applicant's own risk.

(10) Renewal authorization shall terminate at the date established in the approved renewal. Not more than one renewal shall be granted and a renewed permit shall not be eligible for extension under WAC 173-14-060.

### WSR 87-22-100

#### ADOPTED RULES

### DEPARTMENT OF ECOLOGY

[Order DE 87-39—Filed November 4, 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 Skagit County, amending WAC 173-19-370.

This action is taken pursuant to Notice No. WSR 87-18-074 filed with the code reviser on September 2, 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 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 October 27, 1987.

By Phillip C. Johnson  
Deputy Director of Programs

### AMENDATORY SECTION (Amending Order DE 84-10, filed 3/22/84)

WAC 173-19-370 SKAGIT COUNTY Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981. Revision approved November 23, 1981. Revision approved August 19, 1982. Revision approved February 24, 1983. Revision approved March 22, 1984. Revision approved October 27, 1987.

**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 87-22-101

#### ADOPTED RULES

### DEPARTMENT OF ECOLOGY

[Order DE 87-40—Filed November 4, 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 Spokane County, amending WAC 173-19-400.

This action is taken pursuant to Notice No. WSR 87-18-073 filed with the code reviser on September 2, 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 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 October 27, 1987.

By Phillip C. Johnson  
Deputy Director of Programs

### AMENDATORY SECTION (Amending Order DE 84-6, filed 3/15/84)

WAC 173-19-400 SPOKANE COUNTY. Spokane County master program approved January 15, 1975. Revision approved September 6, 1977. Revision approved August 15, 1979. Revision approved February 24, 1981. Revision approved December 15, 1982. Revision approved March 14, 1984. Revision approved October 27, 1987.

### WSR 87-22-102

#### PROPOSED RULES

### CHIROPRACTIC DISCIPLINARY BOARD

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning the practice of chiropractic, amending WAC 113-12-100 regarding billing for chiropractic services;

that the agency will at 9:30 a.m., Thursday, December 10, 1987, in Nendel's in Tukwila, 15901 West Valley Highway, 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 18.26.110.

The specific statute these rules are intended to implement is chapter 18.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1987.

Dated: November 4, 1987

By: John H. Keith  
Assistant Attorney General

### STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Disciplinary Board.

Rule Title, Summary, and Purpose: WAC 113-12-100 Billing, would amend the current billing rule to authorize the billing for varied levels of appropriate time dependent chiropractic services.

Statutory Authority: RCW 18.26.110.

Reason Proposed: To protect the public health, safety and welfare.

Responsible Department Personnel: In addition to the Chiropractic Disciplinary Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Linda Crerar, Chiropractic Disciplinary Board, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-3129 comm, 234-3129 scan.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 453, filed 12/16/83)

WAC 113-12-100 BILLING. (1) A chiropractor who bills separately for therapy procedures other than the chiropractic adjustment shall be considered engaging in unprofessional conduct. The use of x-ray, examination or consultation is not considered therapy. Approved chiropractic procedures which are preparatory to and complementary to the adjustment, may be used at the discretion of the attending chiropractor when used in combination with the adjustment. These procedures are considered as part of the adjustment and are not a treatment or therapy in and of themselves. This rule does not prohibit billing for varied levels of service as defined below for appropriate time dependent services which were necessary for the examination or treatment of a patient and which are not a routine part of the Chiropractor's examination and treatment procedures.

(2) Levels of service for chiropractic care:

(a) Brief Level of Service. A level of service requiring an abbreviated history and/or examination supported by subjective complaint (if any), objective findings, the assessment, and plan for care (if any). This level of service may consist of inter or intra-professional consultation regarding the assessment and care of the patient.

(b) Limited Level of Service - (i.e., Routine). A level of service pertaining to the evaluation of a circumscribed acute condition or existing condition with an interval history, examination, review of past care effectiveness, appropriate tests, adjustment of care as indicated and supported by documentation of subjective complaints, objective findings, the assessment and plan for care. This service may include the application of unattended ancillary chiropractic procedures, including but not limited to, spinal traction and hot or cold packs.

(c) Extended Level of Service. A level of service requiring an unusual amount of effort or judgment which may include detailed history, review of recorded examination, formal conference, a need for ongoing same day care, and is supported by documentation of subjective complaints, objective findings, assessment, and plan for care. This level of service may include the application of attended ancillary chiropractic procedures, including but not limited to, manual traction, massage, trigger point therapy, deep muscle goading, nutritional counseling, gait training, instruction in the activities of daily living and neuromuscular reeducation.

(d) Comprehensive Level of Service. A level of service providing an in-depth evaluation of a patient with a new or existing problem requiring the complete evaluation of chiropractic and health data. This procedure may include the documentation of chief complaints, present conditions, family history, past health history, a complete chiropractic examination, to include neurologic and orthopedic findings, appropriate

tests and procedures, and documentation of assessment and plan for care.

~~((2))~~ (3) Because of the potential element of fraud being present advertising forgiveness of coinsurance is prohibited unless the insurance company is given true and accurate information relating to the billing system.

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 87-22-103**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 2557—Filed November 4, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to work registration and employment and training program services, amending WAC 388-54-675.

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 to bring the department into compliance with 7 CFR part 273.7.

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

This rule is promulgated pursuant to RCW 74.04.050 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 November 4, 1987.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2512, filed 7/14/87)

WAC 388-54-675 WORK REGISTRATION AND ((JOB SEARCH)) EMPLOYMENT AND TRAINING PROGRAM SERVICES. (1) Unless otherwise exempt, each individual between the ages of eighteen and sixty 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))~~ Persons exempt from work registration shall include:

(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))~~ a child's ~~((has his or her))~~ sixth birthday falls 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 (UC);

(d) A household member subject to and participating in ~~((the))~~ any work ~~((incentive))~~ program ~~((WIN); community work and training program (CWEP))~~ under Titles IV-A and IV-C of the Social Security Act, as amended, 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;

(4) The department shall provide work registration forms to the applicant for each household member required to register. Household members are registered when they submit a completed work registration form ~~((is submitted))~~ to the department.

(5) The department shall accept an 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.

(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))~~ The department shall:

(a) Refer persons required to register for work to employment and training program services, unless the person is exempted by subsection (7) of this section; and

(b) Provide employment and training program services to assigned applicants or recipients who are not otherwise exempt, either directly or through a contracted service provider, as specified in the state plan. Persons subject to employment and training services shall participate in an employment and training program service for a minimum level of effort comparable to spending approximately 12 hours a month for two months during:

(i) An eight-week or two four-week period or periods, each time they are entered into the food stamp program; or

(ii) Each 12 months of continuous participation, whichever occurs sooner.

~~((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;))~~ Applicants or recipients required to register for work, but exempt from referral for employment and training program services, shall include those:

(a) Residing in an exempt county as specified in the state plan;

(b) Residing more than one hour's travel from the service provider;

(c) Having no mailing address or message telephone;

(d) Having a temporary incapacity expected to have a duration of at least 60 days; and

(e) In their first or second trimester of pregnancy.

~~((Persons subject to employment and training shall also be required to:~~

~~(a) Report at a prescheduled time to the department or service provider for an initial assessment interview. The department or service provider shall provide written information regarding at least the following in the assessment interview:~~

~~(i) A written employment and training plan developed jointly between the department, or service provider and the participant;~~

~~(ii) The grounds for noncompliance;~~

~~(iii) The sanctions for noncompliance without good cause, and~~

~~(iv) Provisions for ending noncompliance.~~

~~(b) Respond to a request from the department or service provider requiring supplemental information regarding employment status or availability for work;~~

~~(c) Report to an employer, if the potential employment is suitable, when referred by the department or service provider;~~

~~(d) Accept a bona fide offer of suitable employment;~~

~~(e) Report at a prescheduled time to the department or service provider on the results of all employment and training services participated in; and~~

~~(f) Comply with the department or service provider's requests for follow-up interviews.~~

~~((The department shall provide an allowance of twenty-five dollars per participant month ((to cover the~~

~~cost of looking for work for individuals assigned to job search)) for costs of transportation or other costs that are reasonably necessary and directly related to participation in the employment and training program.~~

~~((9)) (10) If a household member fails to comply with work registration or ((job search)) employment and training program 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 department shall treat the disqualified member ((shall be treated)) as an ineligible household member.~~

~~((10)) (11) The disqualification for noncompliance with work registration or ((job search)) employment and training program service 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 department shall treat the noncompliant 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) The department shall determine whether or not good cause existed prior to initiating sanction for refusal or failure to register for work or participate in employment and training program services.~~

~~(13) The following circumstances beyond the participant's control shall constitute good cause for failure to register for work, or participate in employment and training program services. These are not inclusive:~~

~~(a) Illness of the participant;~~

~~(b) Illness of another household member requiring the presence of the member;~~

~~(c) A household emergency;~~

~~(d) The unavailability of transportation; and~~

~~(e) Lack of adequate child care for children who have reached six years of age, but are under 12 years of age.~~

~~(14) The department shall treat 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)) subject to work requirements of Titles IV-A or IV-C of the Social Security Act, as amended, or UC work registration and participation requirements, who fails to comply with such requirements, shall be treated as though the member had failed to comply with the corresponding ((food stamp)) employment and training program service requirements. ((a) The 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) If the requirement is comparable, the entire household shall be disqualified 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)) If a corresponding employment and training program service requirement does not exist, the household member shall lose their exemption status as referenced in subsection (3)(d) of this section and ((must)) shall register for work.~~

~~((13)) (15) DSHS shall administer the program.~~

~~(16) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to:~~

~~(a) A determination of nonexempt status; or~~

~~(b) Failure to comply with work registration and ((job search)) employment and training program requirements ((for)); or~~

~~(c) Determination of noncompliance with a comparable ((WIN, CWEP, E&T)) work program under Titles IV-A and IV-C of the Social Security Act, as amended, or UC ((work)) requirement.~~

~~(17) Within ten days of ((receipt of notice)) the department's determination of failure to comply, without good cause, the department shall provide the household with notice of adverse action((The notice shall)) that contains:~~

~~(a) The particular act of noncompliance;~~

~~(b) The proposed period of disqualification ((and shall specify the));~~

~~(c) Notification that the individual or household may reapply at the end of the disqualification period; and~~

~~(d) Information describing the action which the individual or household may take to end or avoid the sanction.~~

~~((14)) (18) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. The individual may re-establish eligibility ((may be reestablished)) during the disqualification period if the reason for disqualification is corrected.~~

~~((15)) (19) A registrant moving out of the jurisdiction of the ((JSC)) department's local office with which ((he or she)) the registrant is registered ((must)) shall reregister at ((his or her)) the department local office in the new location.~~

~~((16)) (20) Persons ((losing)) who are subject to reporting requirements and who lose exemption status due to any change of circumstance(:~~

~~(a) Subject to reporting requirements~~) shall register for work~~((:))~~. They shall complete the work registration report form ~~((shall be completed))~~ and ~~((returned))~~ return it 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))~~ (21) Persons who are not subject to reporting requirements shall register for employment at the household's next recertification.

~~((+7))~~ (22) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

### WSR 87-22-104

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning courses of study and equivalencies, chapter 180-50 WAC;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.04.120(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 10, 1987.

Dated: November 3, 1987

By: Monica Schmidt  
Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-50 WAC, Courses of study and equivalencies.

Rule Section(s): WAC 180-50-310 Equivalency course of study—Credit for correspondence courses and college courses.

Statutory Authority: RCW 28A.04.120(6).

Purpose of the Rule(s): To direct each common school district board of directors to adopt rules governing high school credit for correspondence courses and college courses.

Summary of the New Rule(s) and/or Amendments: Clarifies an organizational name change and relationship.

Reasons Which Support the Proposed Action(s): A name update.

WAC 180-50-310 Equivalency course of study—Credit for correspondence courses and college courses,

clarifies that schools are members of the National University Continuing Education Association and not approved by such association and that schools are accredited not approved by the National Home Study Council.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Alfred Rasp, Jr., SPI, 3-3449; and Enforcement: Charles R. Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The amendment reflects an organization's change of name.

#### AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-310 EQUIVALENCY COURSE OF STUDY—CREDIT FOR CORRESPONDENCE COURSES AND COLLEGE COURSES. Each common school district board of directors shall adopt rules governing the acceptance of correspondence or college courses for credit, including high school graduation credit. Such rules shall limit acceptance to courses from approved schools or institutions and shall be available upon request for review by students, parents, the public, and representatives of the superintendent of public instruction. The following are approved schools:

(1) Schools ~~((approved by))~~ that are members of the National University ~~((Extension))~~ Continuing Education Association or accredited by the National Home Study Council;

(2) Community colleges, vocational-technical institutes, four-year colleges and universities, and approved private schools in Washington state; and

(3) Other schools or institutions which are approved, after evaluation of a particular course offering, by the school district.

### WSR 87-22-105

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning high school graduation requirements, chapter 180-51 WAC;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.05.062 and 28A.05.064.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 10, 1987.

Dated: November 3, 1987

By: Monica Schmidt  
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-51 WAC, High school graduation requirements.

Rule Section(s): WAC 180-51-060 Minimum subject areas for high school graduation; and 180-51-062 Fine, visual, or performing arts requirement.

Statutory Authority: RCW 28A.05.062 and 28A.05.064.

Purpose of the Rule(s): To add a one credit restricted elective requirement to the high school graduation requirements stated in WAC 180-51-060 and to repeal WAC 180-51-062.

Summary of the New Rule(s) and/or Amendments: A one credit elective requirement is added to the high school graduation requirements for students entering grade 9 after July 1, 1987.

Reasons Which Support the Proposed Action(s): Action is mandated by RCW 28A.05.064.

WAC 180-51-060 High school graduation requirements—Minimum subject areas for high school graduation, a one credit elective requirement in fine, visual, performing arts or any subject area included in the high school graduation requirements is added to the high school graduation requirements for students entering grade nine after July 1, 1987.

WAC 180-51-062 High school graduation requirements—Fine, visual, or performing arts requirement, this section is now incorporated in WAC 180-51-060.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Alfred Rasp, Jr., SPI, 3-3449; and Enforcement: Charles R. Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): This brings the rules in line with action taken by the legislature.

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-060 MINIMUM SUBJECT AREAS FOR HIGH SCHOOL GRADUATION. The minimum subject areas and credits therein shall be:

SUBJECT	CREDIT
English	3
Mathematics	2
Science	2
Social Studies	2 1/2
United States History and Government	(1)
Washington State History and Government	(1/2)*
Contemporary World History, Geography, and Problems	(1)*
Occupational Education	1
Physical Education	2
Restricted Elective	** 1

\*See WAC 180-51-075 for equivalencies.

SUBJECT

CREDIT

\*\*This one credit requirement must be selected from fine, visual, or performing arts or any of the subject areas listed above.

Electives	5 1/2
Total	((+8)) 19

The minimum elective credits shall be met by additional courses in the required subject areas, by specific local district requirements, or by any course offered pursuant to WAC 180-50-115.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-51-062 FINE, VISUAL, OR PERFORMING ARTS REQUIREMENT.

WSR 87-22-106

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional certification—General provisions, chapter 180-75 WAC;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 10, 1987.

Dated: November 3, 1987

By: Monica Schmidt  
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-75 WAC.

Rule Section(s): WAC 180-75-044, 180-75-045, 180-75-085, 180-75-090, 180-75-091 and 180-75-092.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): To set forth standards for certification of professional educators.

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): Comprehensive revision of certification standards.

Section Analysis: WAC 180-75-044 includes intentional falsification of continuing education records as cause for revocation of certificate; 180-75-045 changes cross reference from rule chapters to previous standards of State Board of Education; 180-75-085 makes clear that character requirement is applicable to first vocational certificate and not subsequent certificates, makes reference to new system of requiring background checks

through State Patrol, eliminates reference to minimum generic requirements, reflects changes in academic requirements in chapter 180-79 WAC, removes reference to experience requirement, and makes technical changes; 180-75-090 clarifies that temporary permits are applicable to all certificates; 180-75-091 specifies form of affidavit for certification; and 180-75-092 specifies form of other affidavits.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Dr. Charles Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### AMENDATORY SECTION (Amending Order 2-87, filed 4/3/87)

WAC 180-75-044 UNPROFESSIONAL CONDUCT FOR MISREPRESENTATION OF FACTS. The intentional misrepresentation of material facts in an application for certification, reinstatement thereof, ~~((or))~~ endorsement thereon, ~~or continuing education related thereto~~ is an act of unprofessional conduct and may be sufficient cause for the revocation of such person's professional education certificate.

#### AMENDATORY SECTION (Amending Order 6-86, filed 6/10/86)

WAC 180-75-045 CERTIFICATE VALIDITY. Any certificate issued pursuant to chapters 180-77~~((;))~~ or 180-79~~((; 180-80, or 180-84))~~ WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-75-055, if such certification is required by statute or rules of the state board of education, until such certificate expires, lapses, or is revoked.

#### AMENDATORY SECTION (Amending Order 2-87, filed 4/3/87)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, ~~((or))~~ educational staff associate's, ~~or vocational certificate~~ must give evidence of good moral character and personal fitness as specified in WAC 180-75-082 and must make arrangements with the Washington state patrol to provide the superintendent of public instruction a copy of any arrest or other record in possession of such state patrol.

(3) ~~((Competency. A candidate for certification shall demonstrate knowledge and skill in the areas specified by the state board of education as minimum generic standards for the respective certificate type and level set forth in WAC 180-79-130 through 180-79-210.~~

~~((4))~~ Academic. A candidate for certification shall have successfully completed an approved professional preparation program within the state of Washington and hold appropriate degrees, licenses, and additional course work as prescribed in chapter 180-79 WAC or have qualified under WAC ~~((180-75-100 and/or))~~ 180-79-245 ~~((through 180-79-250. PROVIDED, That no more than five quarter hours of correspondence credit shall be acceptable toward continuing level certification.~~

~~((5))~~ Experience. All candidates for continuing level certification shall have completed three years of certificated service in the respective role in an educational setting.

~~((6))~~ (4) Program completion. A candidate for an initial or continuing certificate shall provide verification that he~~((r))~~ or she has completed an approved professional preparation program.

Subsections 3)~~((;))~~ and 4) ~~((and ((5)))~~) of this section shall not apply to vocational certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC.

#### AMENDATORY SECTION (Amending Order 6-86, filed 6/10/86)

WAC 180-75-090 TEMPORARY PERMITS. Temporary permits may be issued by the superintendent of public instruction under the following conditions:

(1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for ~~((provisional, initial, standard, or continuing))~~ certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 180-75-085(2).

(2) An individual may apply for a permit directly to the superintendent of public instruction: PROVIDED, That in the case of an individual completing requirements for certification in a Washington state institution of higher education the request may also be made to that institution.

(3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.

(4) A permit is valid for ninety consecutive calendar days commencing with the date following the date of issuance and is not renewable.

(5) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and provide institutions of higher education with forms and instructions relevant to application for a permit.

#### NEW SECTION

WAC 180-75-091 AFFIDAVITS FROM APPLICANTS. An individual's application for certification shall be signed under oath that the statements therein are true and correct. The application if not notarized by a notary public must conform with the formalities prescribed in RCW 9A.72.085. In addition, the application shall state that any knowingly false statement therein is punishable under perjury laws of the state of Washington.

#### NEW SECTION

WAC 180-75-092 OTHER AFFIDAVITS FROM APPLICANTS AND CERTIFICATE HOLDERS. Whenever this chapter requires an applicant or certificate holder to file an affidavit, it shall be in the same form as required by WAC 180-75-091.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-75-015 EQUIVALENCY OF STANDARDS.  
WAC 180-75-075 EDUCATIONAL EXPERIENCE ACCEPTABLE FOR CERTIFICATION.

**WSR 87-22-107**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning professional preparation program development and approval, chapter 180-78 WAC;



that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 10, 1987.

Dated: November 3, 1987

By: Monica Schmidt  
Secretary

### STATEMENT OF PURPOSE

Rule: Chapter 180-78 WAC.

Rule Section(s): WAC 180-78-007, 180-78-008, 180-78-010, 180-78-026, 180-78-028, 180-78-029, 180-78-033, 180-78-036, 180-78-037, 180-78-047, 180-78-057, 180-78-060, 180-78-063, 180-78-065, 180-78-068 and 180-78-070.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): To set forth standards for certification of professional educators.

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): Comprehensive revision of certification standards.

Section Analysis: WAC 180-78-007 sets forth intent of chapter; 180-78-008 sets forth public policy goals of chapter; 180-78-010 eliminates outdated definitions; 180-78-026 sets forth timelines for transition to new requirements; 180-78-028 sets forth procedure for new programs; 180-78-029 sets forth annual approval process; 180-78-033 defines meaning of probationary status; 180-78-036 sets forth process for compliance review by Superintendent of Public Instruction; 180-78-037 sets forth process for reestablishment of approval status; 180-78-047 sets forth material which must be submitted to Superintendent of Public Instruction in annual report; 180-78-057 clarifies approval process for out-of-state institutes of higher education offering programs in Washington; 180-78-060 distinguishes between training and endorsements for superintendent's preparation programs; 180-78-063 sets forth responsibilities of deans and directors of preparation programs; 180-78-065 specifies types of required professional education advisory boards; 180-78-068 permits joint advisory boards; 180-78-070 sets forth term of service on advisory boards; 180-78-073 sets forth qualifications of advisory board members; 180-78-075 permits additional members on advisory boards if certain conditions are met; 180-78-075 through 180-78-120 sets forth composition of stated advisory boards; 180-78-125 sets forth responsibilities of advisory boards; 180-78-130 states advisory boards are state committees; 180-78-140 sets forth program approval standards; 180-78-145 through 180-78-175 sets forth evidence necessary to demonstrate program compliance; 180-78-180 sets forth requirements

for and composition of program quality review committee; 180-78-185 permits alternative quality review committee if certain standards are met; 180-78-190 sets forth task of quality review committee; 180-78-193 eliminates educational staff associate examination, and makes technical amendments; 180-78-194 makes technical amendments due to changes in WAC 180-78-190; 180-78-199 changes date of implementation to reflect directive by 1987 legislature; 180-78-205 requires certain course work, unless waived, by candidates for certification; and 180-78-210 through 180-78-325 sets forth new and/or revised program approval requirements for all types of professional preparation programs - specifically, teachers, administrators, and educational staff associates.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Dr. Charles Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 180-78 WAC  
PROFESSIONAL CERTIFICATION—APPROVED PREPARATION PROGRAMS ((~~DEVELOPMENT AND APPROVAL~~)) BY COLLEGES AND UNIVERSITIES

#### NEW SECTION

WAC 180-78-007 INTENT OF STATE STANDARDS. All state standards prescribed in this chapter for the approval of professional preparation programs are minimal standards for state approval. Colleges or universities may and are encouraged to develop program standards which exceed the minimums herein prescribed.

#### NEW SECTION

WAC 180-78-008 PUBLIC POLICY PURPOSES OF SBE APPROVAL OF PROFESSIONAL PREPARATION PROGRAM. The public policy purposes of state board of education approval of professional preparation programs are:

(1) To ensure that representatives of recognized professional associations and local school districts regularly participate in decisions related to professional preparation programs.

(2) To ensure that responsibilities for the management of the professional preparation program are clearly assigned and that an organizational structure exists that defines the accountability for decision making regarding the professional preparation program by the college or university.

(3) To ensure that the resources necessary to develop and maintain quality professional preparation programs are available and being used appropriately.

(4) To ensure that procedures for selecting and retaining candidates for the professional preparation are consistent with the goals and objectives of the state board of education.

(5) To ensure that all candidates in the professional preparation program complete a planned program and demonstrate the knowledge and skills described in the state board of education's standards.

(6) To ensure that all candidates in the professional preparation program have ongoing opportunities to participate in school-based learning activities throughout their program.

(7) To ensure that the professional preparation program is based on a theoretical and research-based framework, reviewed regularly, and revised on the basis of the evaluation of the program and relevant new knowledge in the field.

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-010 DEFINITION OF TERMS. The following definitions shall be used in this chapter:

(1) ~~("Accreditation" means a process whereby a preparation program is reviewed and determined by an accrediting agency to meet prespecified standards. Programs may be accredited by states, regional accrediting associations, or national professional organizations such as the national council for accreditation of teacher education (NCATE). Such accreditation shall not replace state board of education program approval in Washington state.~~

(2) ~~"Agency" means those groups, entities, associations, and the like recognized in WAC 180-78-030 as having a legitimate interest in the development of preparation programs.~~

(3) ~~"College or university" means any baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops professional programs of preparation in education which are submitted to the state board of education for approval.~~

(4) ~~"Cooperation" means the act of working together in a participatory mode.~~

(5) ~~(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach or serve as an administrator or educational staff associate.~~

(6) ~~"General professional organization" means the professional organization determined in accordance with election procedures defined in RCW 41.59.070 or a cooperative group of such employee representative organizations.~~

(7) ~~(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.93.010 and 28A.93.020 which facilitates interstate reciprocity.~~

(8) ~~"Minimum generic standards" means those basic areas of knowledge and skill adopted by the state board of education as essential to a given professional role.~~

(9) ~~(4) "Program approval" means the approval by the state board of education of a preparation program within Washington state.~~

(10) ~~"Program development" means the cooperative process employed to identify program outcomes and experiences essential to program approval.~~

(11) ~~"Program outcomes" means the explicit objectives of preparation programs stated in terms of knowledge, skill, and performance.~~

(12) ~~"Program unit" means a group of cooperating agencies in Washington state, the specific membership and form of which shall be established by the participating members. Any such unit must include at least one college/university, one school organization, and one general or specialized professional organization.~~

(13) ~~"School organization" means any public or approved nonpublic school system or district or cooperative group of such organizations.~~

(14) ~~"Site visit" means the process of an on-site review of preparation programs conducted pursuant to WAC 180-78-035 and 180-78-040.~~

(15) ~~"Specialized associations" means the state-wide professional organization(s) recognized by the state board of education as having legitimate interest in the preparation of a respective professional role.)~~

NEW SECTION

WAC 180-78-026 EXISTING APPROVED PROGRAMS. Professional preparation programs approved prior to January 1, 1989, shall continue to be approved until such college or university seeks re-approval pursuant to WAC 180-78-029 which, upon request to the superintendent of public instruction, may be delayed until the 1990-91 academic year.

NEW SECTION

WAC 180-78-028 PROCEDURES FOR INITIAL APPROVAL OF A PROFESSIONAL PREPARATION PROGRAM. Each college or university desiring to establish a professional preparation program shall comply with the following:

(1) Advise the superintendent of public instruction of the desire to establish the professional preparation program.

(2) Establish the appropriate program unit.

(3) Develop, with the assistance of the professional education advisory board and designated officials of the superintendent of public instruction, a written plan which provides timelines for the implementation of all applicable program approval standards during the first year

of the professional preparation program and submit such report to the superintendent of public instruction for review and comment and, if requested, resubmit such plan to the superintendent of public instruction.

(4) Present the written plan to the state board of education which shall approve such written plan and grant initial approval status if the state board of education is satisfied that the college or university intends to meet all program approval standards in accordance with reasonable and practical timelines and that the college or university has made the needed commitments, specifically personnel and other resources, to implement the plan: PROVIDED, That prior to making a judgment on the college or university's request for approval, the state board of education shall review, if provided, written and oral evidence presented by the following:

(a) The designated college or university official.

(b) The superintendent of public instruction.

(c) The chair of the applicable professional education advisory board.

(d) Any other official deemed by the state board of education to have a legitimate interest in the approval status of the college or university.

NEW SECTION

WAC 180-78-029 ANNUAL REAPPROVAL PROCESS. Colleges and universities with professional preparation programs approved by the state board of education shall request reapproval on an annual basis. Such reapproval shall be granted if the college or university provides the superintendent of public instruction with the following:

(1) An affidavit from the dean or director of the college, school, or other designation of the administrative unit required by WAC 180-78-150(5) that he or she has determined, to the best of his or her knowledge, that the professional preparation program is in compliance with the program approval rules for the professional preparation program or that the college or university has adopted a compliance plan which, in the opinion of the superintendent of public instruction, will bring the program into compliance as soon as reasonably practicable.

(2) The annual report as required by WAC 180-78-045.

(3) PROVIDED, That if the college or university is unable to provide the assurances required in subsection (1) of this section or if the superintendent of public instruction—after notice to the affected college or university and a reasonable opportunity for such college or university to resubmit—notifies the state board of education that the report required by WAC 180-78-045 is not in compliance, such college or university may make its request for reapproval directly to the state board of education. The state board of education shall make its determination regarding approval or disapproval on the basis of written and oral evidence, if provided, presented by the following:

(a) The designated official of the college or university.

(b) The superintendent of public instruction.

(c) The chair of the affected professional education advisory board.

(d) Any other official deemed by the state board of education to have a legitimate interest in the approval status of the college or university.

NEW SECTION

WAC 180-78-033 PROBATIONARY STATUS. Colleges and universities with approved preparation programs shall not lose official approval status until the superintendent of public instruction formally notifies the college or university that the state board of education has taken final action to disapprove the professional preparation program: PROVIDED, That colleges or universities shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved professional preparation program on probationary status for the sole purpose of completing the professional preparation program for those candidates for certification currently enrolled in the professional preparation program and who are scheduled to complete such professional preparation program within such academic years and for the purpose, if elected, to regain state board of education approval.

NEW SECTION

WAC 180-78-036 SPI COMPLIANCE REVIEW OF PROFESSIONAL PREPARATION PROGRAMS. The superintendent of public instruction, upon receipt of a complaint from any source or

upon his or her own initiative, may review all or any part of a professional preparation program for compliance with the provisions of this chapter. Such review is mandatory in the second year of operation of any new professional preparation program. If deviations are found, the superintendent of public instruction is authorized to negotiate with the college or university a compliance agreement which will bring the professional preparation program into compliance as soon as reasonably practicable but no later than the commencement of the succeeding academic year or six calendar months, whichever is later. If a compliance agreement is not negotiated, the superintendent of public instruction shall report such deviations to the state board of education which shall review the approval status of the college or university and make a determination whether the college or university is in compliance. If non-compliance is found by the state board of education, the professional preparation program shall be placed on probationary status and the probationary status provision of WAC 180-78-033 shall apply: PROVIDED, That prior to making a judgment regarding compliance the state board of education shall review, if provided, written and oral evidence presented by the following:

- (1) The designated college or university official.
- (2) The superintendent of public instruction.
- (3) The chair of the affected professional education advisory board.
- (4) Any other official deemed by the state board of education to have a legitimate interest in the approval status of the college or university.

#### NEW SECTION

WAC 180-78-037 PROCEDURES FOR REESTABLISHMENT OF APPROVAL STATUS FOR A PROFESSIONAL PREPARATION PROGRAM. The procedures for the reestablishment of state board of education approval of a professional preparation program shall be the same as the procedure for initial approval as provided in WAC 180-78-028 except that, if the professional preparation program continues to operate pursuant to the probationary status provision of WAC 180-78-033, the superintendent of public instruction may limit the content of the written plan required by WAC 180-78-028(3) to program standards determined by the superintendent of public instruction to be the cause of the college or university's probationary status.

#### NEW SECTION

WAC 180-78-047 ANNUAL REPORT BY COLLEGES AND UNIVERSITIES. Each college or university offering an approved preparation program shall submit by June 30th of each year, an annual report containing the following:

- (1) The minutes of each professional education advisory board.
- (2) The number of candidates recommended for initial and continuing certificates by type of certificate and endorsement areas.
- (3) Other material related to the professional preparation programs requested by the superintendent of public instruction.

#### AMENDATORY SECTION (Amending Order 6-81, filed 6/1/81)

WAC 180-78-057 APPROVAL OF COURSES OFFERED BY AN OUT-OF-STATE COLLEGE OR UNIVERSITY APPLICABLE TO CERTIFICATION. In order for any course offered by an out-of-state college or university within the state of Washington to be applicable to Washington state certification, prior approval must be obtained by the out-of-state college or university from the (~~state board of education or its designee within the office of the~~) superintendent of public instruction.

A course offered under such circumstances must comply with the following requirements to qualify for approval:

- (1) Be offered by a college or university which has met the provisions of chapter 28B.05 RCW or be exempt therefrom;
- (2) Be offered by a college or university which is accredited in its respective region by the regional accrediting association and accredited by the Northwest Regional Accrediting Association to offer courses or programs in Washington state;
- (3) Be offered by a college or university which is approved in its respective home state for purposes of preparing personnel for certification to serve in the common schools;
- (4) Meet the "state board of education standards for off-campus offerings in education;"

(5) File an application and provide evidence to the state board of education that the preceding requirements are met:

(6) PROVIDED, That no college or university within the state of Washington having an approved professional education program shall be required to accept such course work as part of a certificate program: AND PROVIDED FURTHER, That no out-of-state college or university shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in (~~WAC 180-78-050~~) this chapter.

#### AMENDATORY SECTION (Amending Order 12-78, filed 9/1/78)

WAC 180-78-060 PREPARATION OF SUPERINTENDENTS. In accordance with RCW 28B.10.140, the only public institutions authorized to (~~provide training~~) recommend an endorsement for superintendents (~~over and above that required for teachers' or principals' certificates~~) shall be the University of Washington and Washington State University.

#### NEW SECTION

WAC 180-78-063 RESPONSIBILITIES OF DEANS, DIRECTORS, OR OTHER DESIGNATED DIRECTOR. Each college or university operating an approved preparation program shall require the dean, director, or other designation of the administrative unit required by WAC 180-78-150(5) to coordinate the following college or university responsibilities:

- (1) Formation of professional education advisory boards.
- (2) Management of operations and resources for each professional preparation program.
- (3) Filing of affidavits and reports required by this chapter and chapter 180-75 WAC.
- (4) Dissemination of information relative to certification procedures and requirements.
- (5) The application process for professional certification.

#### NEW SECTION

WAC 180-78-065 REQUIRED PROFESSIONAL EDUCATION ADVISORY BOARD. Colleges and universities seeking approval by the state board of education as an approved professional preparation program and in order to maintain such approval status shall establish a professional education advisory board for each of the following program areas for which the college or university seeks approval or maintains an approved preparation program:

- (1) Teacher.
- (2) Administrator.
- (3) Educational staff associate, communication disorder specialist.
- (4) Educational staff associate, school counselor.
- (5) Educational staff associate, reading resource specialist.
- (6) Educational staff associate, school psychologist.
- (7) Educational staff associate, school social worker.
- (8) Educational staff associate, school nurse.
- (9) Educational staff associate, school physical therapist.
- (10) Educational staff associate, school occupational therapist.
- (11) PROVIDED, That the failure of a designated organization, as specified in WAC 180-78-075 through 180-78-120 to make appointments to the designated board, or to make such appointments in a timely manner, shall not cause the approved professional preparation program to lose its approval status.

#### NEW SECTION

WAC 180-78-068 JOINT PROFESSIONAL EDUCATION ADVISORY BOARD. Any two or more colleges and/or universities may agree to have the same professional education advisory board for their respective professional preparation program at such college or university.

#### NEW SECTION

WAC 180-78-070 TERMS OF SERVICE FOR PROFESSIONAL EDUCATION ADVISORY BOARD MEMBERS. Appointees to service on professional education advisory boards shall serve at the pleasure of the appointing authority. Terms of service on professional education advisory boards shall be designated in the by-laws of such boards.

**NEW SECTION**

WAC 180-78-073 QUALIFICATION TO BE APPOINTED TO PROFESSIONAL EDUCATION ADVISORY BOARDS. Except as otherwise provided in WAC 180-78-074, appointees to service on professional education advisory boards from required agencies, other than the designee of the college or university president, at the time of their appointment must be employed in or reside in a school district with which the college or university has a current contract to provide field experiences for students involved in the professional preparation program for which the professional education advisory board has responsibility.

**NEW SECTION**

WAC 180-78-074 ADDITIONAL MEMBERSHIP ON PROFESSIONAL EDUCATION ADVISORY BOARDS. Once established in accordance with the membership requirements of this chapter, professional education advisory boards may authorize the appointment of additional representatives from other school districts or other public and private agencies as long as one-half or more of the members of the professional education advisory board consist of representatives from the role for which the professional education advisory board has responsibility.

**NEW SECTION**

WAC 180-78-075 PROFESSIONAL EDUCATION ADVISORY BOARD FOR TEACHER PREPARATION PROGRAMS. The professional education advisory board for the teacher preparation program shall consist of the following:

- (1) One-half or more of classroom teachers appointed by the president of the Washington education association from nominations submitted by the presidents of local units of the association.
- (2) One or more administrators appointed by the president of the Washington association of school administrators.
- (3) One or more administrators appointed by the president of the association of Washington school principals.
- (4) The chief administrator for the teacher preparation program at the college or university, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

**NEW SECTION**

WAC 180-78-080 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ADMINISTRATOR PREPARATION PROGRAM. The professional education advisory board for the administrator preparation program shall consist of the following:

- (1) One-half or more of administrators, one-half appointed by the president of the Washington association of school administrators of which at least one appointee shall be a program administrator and one-half appointed by the president of the association of Washington school principals.
- (2) One or more classroom teachers appointed by the president of the Washington education association.
- (3) The chief administrator for the administrator preparation program at the college or university, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

**NEW SECTION**

WAC 180-78-085 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, CDS. The professional education advisory board for the educational staff associate professional preparation program for communication disorder specialist shall consist of the following:

- (1) One-half or more of communication disorder specialists appointed by the president of the Washington speech and hearing association.

- (2) One or more classroom teachers appointed by the president of the Washington education association.

- (3) One or more principals appointed by the president of the association of Washington school principals.

- (4) The chief administrator of the communication disorder specialist preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

**NEW SECTION**

WAC 180-78-090 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, SCHOOL COUNSELOR. The professional education advisory board for the educational staff associate professional preparation program for school counselors shall consist of the following:

- (1) One-half or more of school counselors appointed by the president of the Washington school counselors association.
- (2) One or more classroom teachers appointed by the president of the Washington education association.
- (3) One or more principals appointed by the president of the association of Washington school principals.
- (4) The chief administrator of the school counselor preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

**NEW SECTION**

WAC 180-78-095 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, READING RESOURCE SPECIALIST. The professional education advisory board for the educational staff associate professional preparation program for reading resource specialist shall consist of the following:

- (1) One-half or more of reading resource specialists appointed by the president of the Washington chapter of the international reading association.
- (2) One or more classroom teachers appointed by the president of the Washington education association.
- (3) One or more principals appointed by the president of the association of Washington school principals.
- (4) The chief administrator of the reading resource specialist preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

**NEW SECTION**

WAC 180-78-100 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, SCHOOL PSYCHOLOGIST. The professional education advisory board for the educational staff associate professional preparation program for school psychologist shall consist of the following:

- (1) One-half or more of school psychologists appointed by the president of the Washington association of school psychologists.
- (2) One or more classroom teachers appointed by the president of the Washington education association.
- (3) One or more principals appointed by the president of the association of Washington school principals.
- (4) The chief administrator of the school psychologist preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member,

such membership shall not count for the purpose of compliance with subsection (1) of this section.

#### NEW SECTION

**WAC 180-78-105 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, SCHOOL SOCIAL WORKER.** The professional education advisory board for the educational staff associate professional preparation program for school social workers shall consist of the following:

- (1) One-half or more of school social workers appointed by the president of the Washington association of school social workers.
- (2) One or more classroom teachers appointed by the president of the Washington education association.
- (3) One or more principals appointed by the president of the association of Washington school principals.
- (4) The chief administrator of the school social workers preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

#### NEW SECTION

**WAC 180-78-110 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, SCHOOL NURSE.** The professional education advisory board for the educational staff associate professional preparation program for school nurses shall consist of the following:

- (1) One-half or more of school nurses selected by the president of the school nurses organization of Washington.
- (2) One or more classroom teachers appointed by the president of the Washington education association.
- (3) One or more principals appointed by the president of the association of Washington school principals.
- (4) The chief administrator of the school nurse preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

#### NEW SECTION

**WAC 180-78-115 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, SCHOOL PHYSICAL THERAPIST.** The professional education advisory board for the educational staff associate professional preparation program for school physical therapists shall consist of the following:

- (1) One-half or more of school physical therapists appointed by the president of the Washington state physical therapy association.
- (2) One or more classroom teachers appointed by the president of the Washington education association.
- (3) One or more principals appointed by the president of the association of Washington school principals.
- (4) The chief administrator of the school physical therapist preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

#### NEW SECTION

**WAC 180-78-120 PROFESSIONAL EDUCATION ADVISORY BOARD FOR ESA, SCHOOL OCCUPATIONAL THERAPIST.** The professional education advisory board for the educational staff associate professional preparation program for school occupational therapists shall consist of the following:

- (1) One-half or more of school occupational therapists appointed by the president of the Washington state occupational therapy association.
- (2) One or more classroom teachers appointed by the president of the Washington education association.

(3) One or more principals appointed by the president of the association of Washington school principals.

(4) The chief administrator of the school occupational therapist preparation program, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with the faculty: PROVIDED, That if the college or university elects to have such chief administrator serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

#### NEW SECTION

**WAC 180-78-125 RESPONSIBILITIES OF PROFESSIONAL EDUCATION ADVISORY BOARDS.** Professional education advisory boards shall perform the following responsibilities:

- (1) Elect a chair of the professional education advisory board.
- (2) Adopt bylaws which are consistent with the provisions of this chapter.
- (3) Meet at the call of the chair of the professional education advisory board or as provided in the bylaws of the professional education advisory board which, in either case, shall be at least four meetings per calendar year.
- (4) Advise the college or university regarding the development, implementation, and revision of the professional preparation program for the area represented by the professional education advisory board.
- (5) Review, evaluate, and make recommendations for each of the specific requirements of WAC 180-78-145 (2)(b).
- (6) Advise the superintendent of public instruction of needed changes in the administrative code affecting the professional preparation program for which the professional education advisory board has responsibility.
- (7) Review each year one or more program approval standards of WAC 180-78-140 and, as needed, formally notify the college or university in writing of changes the professional education advisory board believes are necessary or required to bring the college or university into compliance with the program approval standards for the professional preparation program.
- (8) Advise the quality review team as provided in WAC 180-78-190(3).
- (9) Perform any other function which has the mutual written approval of the college or university and the professional education advisory board.

#### NEW SECTION

**WAC 180-78-130 SUBSTITUTE PAY FOR MEMBERS OF PROFESSIONAL EDUCATION ADVISORY BOARDS.** Service on professional education advisory boards by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW 28A.41.180, shall make payments to school districts for needed substitutes.

#### NEW SECTION

**WAC 180-78-140 PROGRAM APPROVAL STANDARDS FOR APPROVED PREPARATION PROGRAMS.** The program approval standards for an approved preparation program are as follows:

(1) **PROFESSIONAL EDUCATION ADVISORY BOARDS:** The college or university, in conformance with the provision of WAC 180-78-145, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the development, implementation, and revision of each professional preparation program—i.e., teacher, administrator, and affected educational staff associates.

(2) **SEPARATE ADMINISTRATIVE UNIT:** A separate college, school, department, or other administrative unit within the college or university, in conformance with the provision of WAC 180-78-150, has been established and maintained as responsible for professional preparation programs, including development of professional preparation programs, including curriculum, admission standards, and other matters related to the professional preparation programs.

(3) **ADEQUATE RESOURCES:** Adequate resources, in conformance with the provision of WAC 180-78-155, have been committed and are

available to the professional preparation program in the areas of personnel, finance, learning resources, physical facilities, equipment, materials, and supplies that permit the offering of quality professional preparation programs.

(4) **CANDIDATE ADMISSION AND RETENTION POLICIES:** Policies, in conformance with the provision of WAC 180-78-160, have been established and maintained for admission to and retention in the professional preparation program.

(5) **CANDIDATE KNOWLEDGE AND SKILLS POLICIES:** Policies, in conformance with the provision of WAC 180-78-165, have been established and maintained requiring all candidates for certification to demonstrate knowledge and skills required in the state's requirements for the particular certificate and areas of endorsement.

(6) **CANDIDATE FIELD EXPERIENCE POLICIES:** Policies, in conformance with the provision of WAC 180-78-170, have been established and maintained requiring all candidates for certification to complete a field experience required in the state's requirements for the particular certificate.

(7) **PROGRAM DEVELOPMENT:** The college or university, in conformance with the provision of WAC 180-78-175, has based the components of the professional preparation program on a theoretically sound and research-based framework, has established procedures for the review of such theory and research regularly, and has made a commitment to revise the professional preparation program based on evaluation of the program and relevant new knowledge in the field.

#### NEW SECTION

**WAC 180-78-145 EVIDENCE OF COMPLIANCE WITH PROFESSIONAL EDUCATION ADVISORY BOARD APPROVAL STANDARD.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the program board approval standard of WAC 180-78-140(1).

(1) The professional education advisory board has been established in accordance with WAC 180-78-075 through 180-78-120.

(2) The professional education advisory board has carried out its responsibilities under WAC 180-78-125. In determining compliance with this subsection, the following written documentation must be available for review:

(a) Documentation is available that the professional education advisory board has participated in a review of and made recommendations about:

(i) The plan to provide all candidates for certification with field experiences with culturally diverse populations and with special education and highly capable students.

(ii) Revisions in the professional preparation program to reflect local district policies related to changing demographics, curriculum, organization, and federal and state laws, including administrative rules and case law.

(iii) The policies used to develop agreements between the college/universities and agencies providing field sites for field experiences.

(iv) Alternative professional preparation programs, if developed.

(v) The curriculum materials and media collection.

(vi) The evaluation data, including course, field, and follow-up data, on the professional preparation program's effectiveness.

(vii) The extent to which the college or university addresses the state board of education standards.

(viii) Recent professional developments which may impact the design of the professional preparation program.

(b) Written minutes are available for each meeting of each professional education advisory board including: Attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change.

(c) Documentation from the college or university is available showing that each recommendation from each professional education advisory board during each academic year has been considered and acted upon by faculty committees or administrators—depending upon college or university governance—and, if delayed, modified, or not adopted, a rationale provided to the professional education advisory board as to why a recommendation was delayed, modified, or not adopted: PROVIDED, That all recommendations from professional education advisory boards shall be formally considered by the appropriate committee or administration within six months of formal receipt.

#### NEW SECTION

**WAC 180-78-150 EVIDENCE OF COMPLIANCE WITH SEPARATE ADMINISTRATIVE UNIT PROGRAM APPROVAL**

**STANDARD.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the separate administrative unit program approval standard of WAC 180-78-140(2):

(1) The composition and organization of the separate administrative unit is clearly described in writing.

(2) The structure for maintaining effective two-way communications between the separate education unit and other affected departments within the college or university is described in writing.

(3) A clear, well-established, comprehensive set of written policies and procedures related to administration and operations exists and are made available to affected parties.

(4) Policy actions are accurately reported in the written records of the administrative unit. There is evidence that policies are reviewed, revised when necessary, implemented, and enforced.

(5) An officially designated administrator is responsible for the management of operations and resources for each professional preparation program.

(6) Specific staff members are assigned responsibility for and maintain accurate certification records.

(7) The decision-making structure for the separate administrative unit ensures participation of affected professional education advisory boards, faculty, and students.

#### NEW SECTION

**WAC 180-78-155 EVIDENCE OF COMPLIANCE WITH ADEQUATE RESOURCES PROGRAM STANDARD.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the adequate resources program approval standard of WAC 180-78-140(3):

(1) Personnel assigned teaching and administrative responsibilities have masters or doctoral degrees. With the exception of school occupational therapist and school physical therapist programs, teacher, administrator, and ESA programs have at least one FTE faculty member with a doctoral degree whose primary responsibility is to that specific professional preparation program.

(2) The composition of the faculty shall evidence compliance with affirmative action policies or the college or university must allocate sufficient resources to implement an effective affirmative action program.

(3) Written policies respecting faculty loads in the professional preparation department, division, or school reflect differences in assignments for teaching undergraduate or graduate classes, advising, directing seminars, supervising clinical experiences, and directing theses and dissertations. Policies shall exist defining workload equivalents for special faculty assignments, including field experiences.

(4) Financial resources are available for faculty members to support their teaching, advising, writing, research, and other responsibilities. Supporting resources shall include, but not be limited to:

(a) Direct financial assistance for research and professional travel.

(b) Allocated annual budgeted funds for library resources to support course offerings.

(c) Secretarial help and resources such as copying machines, computers, etc.

(5) All faculty who are not full time shall meet the college and university requirements for appointment to the full-time faculty and, upon initial appointment, shall be given a specially designed orientation to the professional preparation program.

(6) At least seventy-five percent of the required courses offered annually in each professional preparation program must be taught by full-time faculty or by adjunct faculty who are or will be involved annually in offering specific courses in the professional preparation program and who are invited to participate with the full-time faculty in all regular meetings related to the professional preparation program.

(7) The budget for the college and university professional preparation program's administrative unit is available for review. Information pertinent to each of the professional preparation programs is provided, including:

(a) Expenditures for administration, faculty, and support services.

(b) Income derived from tuition and fee charges.

(8) For each professional education program offered, all faculty, including adjunct faculty, have assigned space necessary to prepare for classes, conduct research and write, and meet privately with students.

(9) Facilities are accessible or alternative arrangements have been made for individuals with disabilities or handicaps.

(10) Centralized curriculum materials and media collections containing current examples of school and/or professional texts and supporting curriculum materials are available for student use.

(11) The library budget contains specific allotments for annual purchases to support the professional preparation program.

(12) Library holdings and those holdings readily accessible from other sources are reviewed at least once every five years using, where available, model listings and guidelines of professional organizations in order to maintain an adequate collection of the scope, breadth, and currency to support each professional preparation program.

#### NEW SECTION

**WAC 180-78-160 EVIDENCE OF COMPLIANCE WITH CANDIDATE ADMISSION AND RETENTION POLICIES PROGRAM STANDARD.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate admission and retention policies program standard of WAC 180-78-140(4):

(1) Incentives and affirmative action procedures have been established to recruit quality candidates from underrepresented groups including those from diverse economic, racial, and cultural backgrounds. Support programs are provided to assist such candidates in successfully completing the professional preparation program.

(2) Admission requirements to the professional preparation programs include:

(a) A minimum 2.5 college or university grade point average.

(b) Evidence that the candidate is competent in the basic skills required for oral and written communication and computation.

(c) A combined score of not less than the state-wide median score for the prior school year scored by all persons taking the Washington Pre-College Test (WPCT) or an equivalent standard score on the comparable portions of the Scholastic Aptitude Test (SAT) American College Test (ACT), or the Graduate Record Examination (GRE). Equivalent standard scores shall be determined by the superintendent of public instruction and affected agencies shall be notified in official bulletins of the superintendent of public instruction.

(d) PROVIDED, That until June 30, 1989, college and universities with approved preparation programs may permit candidates to enter the professional preparation program with a minimum composite score of eighty or more on the verbal and quantitative subtests of the WPCT or an equivalent score on the comparable portion of the SAT, ACT, or GRE.

(e) PROVIDED FURTHER, That a candidate who does not meet one of the criteria within this subsection may be admitted on probationary status if the college or university provides individual tutorial assistance to such candidate and the candidate is required to meet the above stated criteria prior to participation in a field experience and exiting from the approved preparation program.

(3) Criteria for the selection and retention of candidates are relevant to the attainment of program outcomes and available for review by applicants, students, and faculty. These written criteria may include, but not be limited to, faculty recommendations, evidence of demonstrated competency in academic and professional work, and written recommendations from appropriate professionals in the schools.

(4) A written process exists describing the procedures for:

(a) Counseling and advising students about progress and retention in the professional preparation program.

(b) Supervision and evaluation relative to the completion of the professional preparation program.

(c) The appeal process for decisions relative to admission or retention in the professional preparation program.

(d) Providing information to candidates regarding supply and demand conditions in the candidate's field.

(e) Admission and retention of nontraditional candidates, such as midcareer candidates who wish to enter professional preparation programs, if established.

#### NEW SECTION

**WAC 180-78-165 EVIDENCE OF COMPLIANCE WITH CANDIDATE KNOWLEDGE AND SKILLS POLICIES PROGRAM APPROVAL STANDARD.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate's knowledge and skills policies program approval standard of WAC 180-78-140(5):

(1) The applicable program approval requirements of WAC 180-78-210 through 180-78-300 are incorporated into course and field experience requirements of all candidates in the professional preparation program.

(2) Courses and field experiences addressing the state standards are evaluated by the students as to the extent to which the required state standards have been covered and by the instructor as to the extent to which the candidates achieve and/or demonstrate mastery of the required standards.

(3) Candidates complete the professional preparation program approved by the state board of education.

(4) The programs of study for each endorsement area include the state's minimum essential areas of study. Any additional requirements for an endorsement are developed by using the national association of state directors of teacher education and certification (or other professional association) standards as guidelines.

(5) Examples of test questions and answers, performance assessments, and other forms of evaluations used in courses, practica and other aspects of the program, verify the demonstration of all minimum state standards, including the respective general and role-specific minimum state standards.

(6) The required programs of study in each professional preparation program are designed to provide for individual differences in learner rate and style.

#### NEW SECTION

**WAC 180-78-170 EVIDENCE OF COMPLIANCE WITH CANDIDATE FIELD EXPERIENCE POLICIES PROGRAM APPROVAL STANDARD.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate field experience policies program approval standard of WAC 180-78-140(6):

(1) Field experiences prior to student teaching, practicum, or internship requirements shall consist of no less than forty hours of structured observation of one or more professionals serving in the role for which the candidate is being prepared.

(2) Agreements exist between the college or university and the agencies providing field sites for field experiences which specify the role of the involved agencies and the responsibilities and contributions each will make to the field program.

(3) Candidates participate in structured experiences with culturally diverse populations and with special education and highly capable students. Such experiences provide opportunities for candidates to understand the unique contributions, similarities, differences, interdependencies, and special needs of students with particular emphasis on those from varying racial, cultural, linguistic, and socioeconomic backgrounds.

(4) Field experiences integrate theory and practice and are documented by written records which describe:

(a) Specifications for selecting field sites and field personnel.

(b) Criteria for assigning students to field settings, including provisions for changes in assignments if necessary.

(c) Responsibilities of college and university supervisors and school personnel working with candidates in planning, instruction, observation, evaluation, and/or grading.

(d) Program outcomes, as described in the appropriate state standards.

(5) College or university supervisors and school personnel working with candidates for the required eight weeks field experiences must have had three years experience in the role supervised (i.e., as a teacher, administrator, or ESA), have been oriented to their responsibilities, and have been given training by the college or university and/or school district in their role and responsibilities.

(6) Records of observations are maintained for each candidate in the professional preparation program. Such records shall document at least eight hours of observation by a college or university supervisor.

(7) Standards for evaluating the candidate's successful completion of the required student teaching, practicum, or internship shall include the following categories:

(a) The state's minimum criteria for the evaluation of certificated employees, if applicable to the role.

(b) The state's general and role specific skills.

(c) Current research findings as reported in relevant professional publications.

NEW SECTION

WAC 180-78-175 EVIDENCE OF COMPLIANCE WITH PROGRAM DEVELOPMENT APPROVAL STANDARD. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the program development approval standard as required by WAC 180-78-140(7):

- (1) The program of study and field experiences are based on knowledge of professional practice, theory, and current research.
- (2) Specific individuals or groups are assigned the responsibility for follow-up, evaluation, program revision, and long range planning.
- (3) Placement records for all graduates are maintained and annual summaries are prepared.
- (4) Follow-up studies of graduates, including data from their employers, are used to assess the quality of the professional preparation program and as a basis for revisions and improvements in the professional preparation program. Follow-up data will include information about the competence of graduates during their first year of professional service.
- (5) Evaluation data on the professional preparation program, including all external program reviews, are submitted to the appropriate professional education advisory board and faculty and are available for review and analysis.

NEW SECTION

WAC 180-78-180 PROGRAM QUALITY REVIEW. Each college or university authorized to conduct one or more approved professional preparation programs shall provide for a quality review of all professional preparation programs during the fourth year of initial authority to provide one or more such programs and every five years thereafter. Colleges and universities currently operating one or more approved preparation programs shall conduct a quality review prior to 1993. The report of the quality review team shall address each of the mandatory items in WAC 180-79-190 and shall contain recommendations for the improvement of each approved professional preparation program within the college or university. The report of the quality review team shall be presented to the dean or director of the college, school, or other designation of the administrative unit required by WAC 180-78-140, the college or university president, and the governing board of the college or university. Members of the quality review team shall consist of the following:

- (1) The superintendent of public instruction or his or her designee who shall serve as chair of the quality review team.
- (2) The president of the state board of education or his or her designee from such board.
- (3) The chair of the higher education coordinating board or his or her designee from such board.
- (4) The chair of the professional education advisory committee, created by WAC 180-78-015, or his or her designee.
- (5) The president of the Washington education association or his or her designee.
- (6) The president of the Washington school directors' association or his or her designee.
- (7) The president of the Washington association of school administrators or his or her designee.
- (8) The president of the association of Washington school principals or his or her designee.
- (9) The president of the Washington federation of independent schools or his or her designee.
- (10) The president of the following organizations or his or her designee if the college or university has an educational staff associate professional preparation program in the respective professional field:
  - (a) Washington speech and hearing association.
  - (b) Washington school counselor association.
  - (c) Washington chapter of the international reading association.
  - (d) Washington association of school psychologists.
  - (e) Washington association of school social workers.
  - (f) School nurses organization of Washington.
  - (g) Washington state physical therapy association.
  - (h) Washington state occupational therapy association.
- (11) The chair of the Washington council of deans and directors of education or his or her designee.

(12) PROVIDED, That the failure of a designated organization, as specified above, to make appointments, or to make such appointments in a timely manner, shall not cause the approved college or university to lose its approval status and shall not be a reason to impede the formation and operation of the quality review team.

(13) PROVIDED FURTHER, That the designated college or university official may request any of the above designated officials to reconsider serving or reconsider the designee appointed and such designated official shall reconsider and notify the college or university of his or her decision in writing.

NEW SECTION

WAC 180-78-185 ALTERNATIVE QUALITY REVIEW TEAM. As an alternative to the quality review team provided in WAC 180-78-180, the college or university may request the superintendent of public instruction to negotiate with the national council for accreditation of teacher education to conduct the quality review required by WAC 180-78-170. If such negotiations are successful, the college or university may contract with such council to perform the quality review required by WAC 180-78-190. Conditions required for approval by the superintendent of public instruction shall consist of the following:

- (1) Representatives on the review team appointed by the national council for accreditation of teacher education from the following:
  - (a) National or state professional organizations of teachers;
  - (b) National or state professional organizations of administrators;
  - (c) National or state professional organizations of higher education faculty;
  - (d) The designee of the superintendent of public instruction.
- (2) An agreement by the national council of accreditation of teacher education to address each of the mandatory items required by WAC 180-78-190.

NEW SECTION

WAC 180-78-190 MANDATORY ITEMS FOR REVIEW BY QUALITY REVIEW TEAM. The following items shall be reviewed by the quality review team:

- (1) All written policies of the college or university related to the professional preparation programs offered by such college or university.
- (2) The current budget and budgets for the preceding four years of the college or university related to the professional preparation programs offered by such college or university.
- (3) All recommendations for improvement of the professional preparation program specifically addressed to the quality review team by one or more of the following:
  - (a) Faculty and students of the college or university.
  - (b) Professional education advisory boards.
  - (c) Professional organizations, including any specialized association of educators.
  - (d) Any individual that the quality review team determines has a legitimate interest in one or more of the professional preparation programs.
- (4) Any item which one-third or more of the members of the quality review team determine to be worthy of investigation and study by the quality review team.

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-193 EXIT EXAMINATION REQUIREMENT—MANDATORY TOPICS. The examination shall be divided into ~~((four))~~ three parts as follows:

- (1) Part I shall address each of the ~~((initial generic standards))~~ knowledge requirements common to and required in the training of all candidates for professional certification—i.e., teachers, administrators, and educational staff associates.
- (2) Part II shall address each of the ~~((initial generic standards))~~ knowledge requirements common to and required in the training of all candidates for teaching certificates.
- (3) Part III ~~((shall address each of the initial generic standards common to and required in the training of all candidates for educational staff associates certificates.~~
- ~~((4) Part IV))~~ shall address each of the ~~((initial generic standards))~~ knowledge requirements common to and required in the training of all candidates for administrative certificates.

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-194 EXIT EXAMINATION REQUIREMENTS—MANDATORY PARTS FOR CERTIFICATION. As a condition for recommendation for certification by an institution of higher education, candidates must pass the following parts.



(1) Candidates for teacher, administrator, and educational staff associate certificates must pass Part I.

(2) Candidates for teacher certificates must pass Part II.

(3) ~~((Candidates for educational staff associate certificates must pass Part III.~~

~~((4))) Candidates for administrator certificates must pass Part ((IV))~~

### III.

~~((5))) (4) PROVIDED, That candidates who provide satisfactory evidence of passage of one or more of the above noted parts at such or another Washington state college or university shall not be required to retake such part or parts.~~

### AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-199 UNIFORM ADMISSION TO PRACTICE EXAMINATION. The examination required by WAC 180-78-191 through 180-78-195 is intended by the state board of education to be transitional to the adoption of a uniform admission to practice examination administered by the state board of education. The superintendent of public instruction shall present to the state board of education by January, ~~((1992)) 1991~~, the necessary administrative rules for a uniform state administered admission to practice examination for professional educators which shall commence ~~((in January, 1994)) in August, 1993~~ for candidates applying for initial certificates after August 31, 1993.

### NEW SECTION

WAC 180-78-205 PROGRAM APPROVAL REQUIREMENT—GENERAL KNOWLEDGE REQUIRED BY ALL CANDIDATES FOR CERTIFICATION. An approved preparation program shall require all candidates for certification to complete course work that covers the general knowledge required in WAC 180-79-131 for all candidates for certification unless waived pursuant to WAC 180-78-215, 180-78-235, or 180-78-285.

### NEW SECTION

WAC 180-78-210 PROGRAM APPROVAL REQUIREMENT—GENERAL SKILLS DEMONSTRATION BY ALL CANDIDATES FOR CERTIFICATION. An approved preparation program shall require all candidates for certification to demonstrate in their field experience their skills in the following areas:

(1) DIVERSE POPULATIONS. Candidate must demonstrate their ability to work effectively with students of various backgrounds, including:

(a) Students with exceptional needs, including those with handicapping conditions and the highly capable.

(b) Students from ethnic population other than the candidates.

(2) SCHOOL, HOME, AND COMMUNITY. Candidates must demonstrate their ability to integrate education policies with the school, home, and community by:

(a) Participating in the designing of activities that involve parents in the learning process of their children.

(b) Using home and community resources to enhance the school program.

(c) Working cooperatively with students, parents, colleagues, and community members in a professional manner.

(d) Applying knowledge of school law to practices involving the school, home, and community.

### NEW SECTION

WAC 180-78-215 PROGRAM APPROVAL REQUIREMENT—GENERAL KNOWLEDGE REQUIRED BY ALL CANDIDATES FOR CERTIFICATION AS TEACHERS. An approved preparation program for teachers shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC 180-79-131 and 180-79-136 for all candidates for certification as teachers: PROVIDED, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work: PROVIDED FURTHER, That in the event the candidate has served as a teacher aide in a public or an approved private school and the candidate so requests and provides appropriate documentation, the college or university must evaluate the candidate pursuant to WAC 180-78-225.

### NEW SECTION

WAC 180-78-220 PROGRAM APPROVAL REQUIREMENT—GENERAL SKILLS DEMONSTRATION BY ALL CANDIDATES FOR CERTIFICATION AS TEACHERS. An approved preparation program shall require all candidates for certification as teachers to demonstrate in their field experience their skills in the following areas:

(1) CLASSROOM MANAGEMENT AND DISCIPLINE. Candidates must demonstrate their ability to manage the physical environment and human dynamics of the classroom by demonstrating their ability to:

(a) Maintain a positive affective environment.

(b) Maintain instructional momentum.

(c) Motivate students.

(d) Handle student disruption quickly and effectively.

(e) Use questioning skills effectively.

(f) Handle transition.

(g) Monitor seatwork.

(h) Assign homework.

(2) INSTRUCTIONAL METHODOLOGY. Candidates must demonstrate their ability to assist students in the learning process by demonstrating their ability to:

(a) Teach using alternative models of instruction—i.e., information processing and personal, social, and behavioral systems.

(b) Impact positively students from various ethnic backgrounds.

(c) Meet the needs of exceptional students requiring special instruction, making referrals when appropriate for formal assessment, using appropriate methods and materials, and adapting the regular curriculum for such students.

(d) Use audio-visual materials, the computer, and other technological developments for instruction.

(3) TESTING AND EVALUATION. Candidates must demonstrate their ability to use both formative and summative evaluation techniques in order to evaluate, and assess programs, students, and their own teaching by:

(a) Assessing students' basic skill levels in content areas.

(b) Assessing student reading levels and identifying content area reading requirements.

(c) Designing, and evaluating an instructional unit's effectiveness.

(d) Designing and evaluating a student's performance.

(e) Designing and evaluating their own teaching effectiveness.

### NEW SECTION

WAC 180-78-225 SPECIAL CONSIDERATION FOR CERTAIN FORMER TEACHER AIDES. If a former teacher aide presents evidence to the college or university that such candidate has served as a teacher aide in public or approved private school within the previous seven calendar years and that at least fifty percent of the candidate's work as a teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for any one school year, the college or university must weigh the following evidence:

(1) The written joint assessment of the candidate performance, required by RCW 28A.04.120 (3)(b), which was prepared and submitted by the supervising teacher and building principal.

(2) Any other information which the college or university determines relevant to its individual determination.

### NEW SECTION

WAC 180-78-230 PROGRAM APPROVAL REQUIREMENT—FIELD EXPERIENCE FOR ALL CANDIDATES FOR CERTIFICATION AS TEACHERS. An approved preparation program for teachers shall require a field experience which includes observations and at least eight full weeks or equivalent of practice teaching in an educational setting. For the purpose of this section "eight full weeks" means two hundred forty hours of observation and classroom teaching of which at least one hundred twenty hours shall be actual teaching. The field experience requirement may be waived or reduced in length for any candidate who has served as a classroom teacher, a college or university instructor, or a teacher's aide if the college or university determines the previous experience was substantially equivalent in whole or part to the experience otherwise to be gained in the required field experience. Components of the required field experience shall include:

(1) Demonstration by the candidate that he or she has the general skills required in WAC 180-78-210 of all candidates for certification.

(2) Demonstration by the candidate that he or she possesses the general skills required in WAC 180-78-220 of all candidates for certification as a teacher.

#### NEW SECTION

**WAC 180-78-235 PROGRAM APPROVAL REQUIREMENT—GENERAL KNOWLEDGE REQUIRED BY ALL CANDIDATES FOR CERTIFICATION AS ADMINISTRATORS.** An approved preparation program for administrators shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC 180-79-131 and 180-79-140 for all candidates for certification as administrators: PROVIDED, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work.

#### NEW SECTION

**WAC 180-78-240 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE REQUIREMENT FOR CERTIFICATION AS ADMINISTRATORS.** An approved preparation for endorsement as a program administrator, principal, or superintendent shall require the candidate to demonstrate their specific knowledge requirements as set forth in WAC 180-78-250, 180-78-255, and 180-78-260 in written examinations as part of required course work specifically designed by the college or university for receipt of an endorsement in the specific role or in separate written examinations.

#### NEW SECTION

**WAC 180-78-245 PROGRAM APPROVAL REQUIREMENT—GENERAL SKILLS DEMONSTRATION BY ALL CANDIDATES FOR CERTIFICATION AS ADMINISTRATORS.** An approved preparation program shall require all candidates for certification as administrators to demonstrate in their field experience their skills in the following areas:

(1) **PUBLIC POLICY ANALYSIS.** Candidates must demonstrate their ability to apply organizational theory to policy issues in program management in each of the following areas:

- (a) Personnel management.
- (b) Fiscal management.
- (c) Community relations.

(2) **SCHOOL LAW.** Candidates must demonstrate their ability to apply knowledge of the legal environment of education systems in each of the following areas:

- (a) Student conduct, discipline, and rights.
- (b) Personnel management.
- (c) Fiscal management.
- (d) Program management, including special education and other categorical programs.
- (e) Public information and disclosure.

#### NEW SECTION

**WAC 180-78-250 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR PROGRAM ADMINISTRATORS.** An approved preparation program for program administrators shall require the candidate to demonstrate in their field experience knowledge and skills in the following specific areas:

(1) **KNOWLEDGE OF FIELD OR SPECIALIZATION.** The candidate shall have depth of knowledge and skill in a specific field or specialization of program administration.

(2) **PROGRAM DEVELOPMENT AND MANAGEMENT.** The candidate has the knowledge and skill to:

- (a) Set goals and objectives relative to a specific program.
- (b) Delegate responsibility.
- (c) Stimulate subordinates to perform.
- (d) Involve those with expertise and interest in development of goals, objectives, and programs.

(3) **STAFF DEVELOPMENT.** The candidate can design and conduct in-service and continuing education experiences for personnel in a specific field or specialization.

#### NEW SECTION

**WAC 180-78-255 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR PRINCIPALS.** An approved preparation program for principals shall require the candidate to demonstrate in their field experience knowledge and skills in the following specific areas:

(1) **CURRICULUM AND INSTRUCTION.** The candidate has the knowledge and skill to:

- (a) Develop and integrate the scope and sequence of curriculum.
- (b) Implement district policies pertaining to textbook and instruction material selection and challenges.
- (c) Apply state and district rules and policies regarding mandatory and elective courses to curriculum decisions at the building level.
- (d) Administer and supervise, in accordance with statutes, rules, and district policies, categorical programs, including chapter I and II, remediation, vocational education, special education, and gifted.

(2) **STUDENTS SERVICES.** The candidate has the knowledge and skill necessary to:

- (a) Maintain attendance and student personnel records.
- (b) Utilize support services inside and outside the educational setting.
- (c) Implement effective principles of discipline, student control, and student management.

(3) **BUILDING ADMINISTRATION AND MANAGEMENT.** The candidate has the knowledge and skill necessary to administer accountably in the following areas of assignment:

- (a) Alternate patterns of space, time and student/staff groupings.
- (b) Policies and procedures that govern the school and develop master and class schedules.

(c) Care and maintenance of the physical environment.

(4) **AUXILIARY SERVICES.** The candidate has knowledge and skill to coordinate auxiliary services, including:

- (a) Computer services.
- (b) Food services.
- (c) Health services.
- (d) Learning resources programs.
- (e) Pupil personnel services.
- (f) Transportation.

(5) **STUDENT ACTIVITIES.** The candidate has the knowledge and skill to plan and develop governance policies and supervise and evaluate student activities.

#### NEW SECTION

**WAC 180-78-260 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR SUPERINTENDENTS.** An approved preparation program for superintendents shall require the candidate to demonstrate in their field experience knowledge and skills in the following specific areas:

(1) **ORGANIZATIONAL MANAGEMENT AND ACCOUNTABILITY.** The candidate has the knowledge and skill to:

- (a) Plan, develop, coordinate, and supervise implementation and evaluation of district-wide policies, procedures, and curricular and instructional programs.

(b) Provide leadership relative to management and accountability district-wide.

(2) **FACILITY AND RESOURCE MANAGEMENT AND ACQUISITION.** The candidate has the knowledge and skill to:

- (a) Identify facility and resource needs of the district.
- (b) Coordinate procedures essential to maintenance and acquisition of facilities and resources.

(3) **FISCAL MANAGEMENT.** The candidate has the knowledge and skill necessary to plan, develop, and coordinate district budget preparation, district funding, and fiscal accountability, including application of the accounting manual for public schools to selective budget problems.

(4) **LEGISLATIVE PROCESS.** The candidate knows how the legislative process works and has the skill to use that process.

(5) **LEADERSHIP.** The candidate has the knowledge and skill needed to:

- (a) Establish and articulate a vision of a quality education for all students.
- (b) Help staff and community establish and develop ownership in common educational goals.
- (c) Motivate people to work toward district goals.

(6) **SCHOOL DIRECTORS POLICY—RELATIONS.** The candidate has the knowledge and skill needed to:

- (a) Develop a system of two-way communication that satisfies the needs of the board.
- (b) Develop trust and confidence between the school directors and superintendent.
- (c) Assist the school directors in understanding roles and responsibilities.
- (d) Assist the school directors in defining the district's educational vision and priorities, and articulating them.
- (e) Develop policies and rules and regulations for consideration and adoption by the local board of directors.

#### NEW SECTION

**WAC 180-78-265 PROGRAM APPROVAL REQUIREMENT—FIELD EXPERIENCE FOR ALL ADMINISTRATORS.** An approved preparation program for administrators shall require a field experience which includes observations and at least eight full weeks or equivalent of practice as an intern in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. For the purpose of this section "eight full weeks" means three hundred twenty hours of on-the-job administrative experience. The field experience requirement may be waived or reduced in length for any candidate who has served in a comparable administrative position or who has previously performed a comparable field experience if the college or university determines the previous experience was substantially equivalent in whole or part to the experience otherwise to be gained in the required field experience. Components of the required field experience shall include:

- (1) Demonstration by the candidate that he or she has the general skills required in WAC 180-78-210 of all candidates for certification.
- (2) Demonstration by the candidate that he or she has the general skills required in WAC 180-78-245 for all candidates for certification as an administrator.
- (3) Demonstration by the candidate that he or she has the specific skills required in WAC 180-78-250, 180-78-255, and 180-78-260 for all candidates for an endorsement in the particular role for which an endorsement is sought.

#### NEW SECTION

**WAC 180-78-270 PROGRAM APPROVAL REQUIREMENT—GENERAL SKILLS DEMONSTRATION BY ALL CANDIDATES FOR CERTIFICATION AS ESAS.** An approved professional preparation program shall require all candidates for certification as education staff associates to demonstrate in their field experience their skills in the following areas:

- (1) **ASSESSMENT.** Candidates must demonstrate their ability to select, administer, and interpret assessments of students in matters related to the specialized area of practice.
- (2) **PROFESSIONAL PRACTICE.** Candidates must demonstrate their ability to apply the knowledge of their specialized area of practice to students in need of their specialized services.
- (3) **PROFESSIONAL ETHICS.** Candidates must demonstrate their ability to recognize ethical problems related to their specialized practice and prescribe ethically acceptable solutions.

#### NEW SECTION

**WAC 180-78-275 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE BY ALL CANDIDATES FOR CERTIFICATION AS ESAS.** An approved preparation program for educational staff associates shall require candidates to demonstrate their specific knowledge requirements as set forth in WAC 180-78-290 through 180-78-325 in a comprehensive written examination as part of a masters or higher degree or as a separate examination, including the licensure examination by the state of Washington for nurses, physical therapists, or occupational therapists.

#### NEW SECTION

**WAC 180-78-280 PROGRAM APPROVAL REQUIREMENT—FIELD EXPERIENCE FOR ALL CANDIDATES FOR CERTIFICATION AS ESAS.** An approved preparation program for educational staff associates shall require a field experience which includes observation and at least eight full weeks or equivalent practice under the direct supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. For the purpose of this section "eight full weeks" means two hundred forty hours

of on-the-job professional service. The field experience requirement may be waived or reduced in length for any candidate who has served as a licensed practitioner or a comparable educational position if the college or university determines the previous experience was substantially equivalent in whole or part to the experience otherwise to be gained in the required field experience. Components of the required field experience shall include:

- (1) Demonstration by the candidate that he or she has the general skills required by WAC 180-78-210 of all candidates for certification.
- (2) Demonstration by the candidate that he or she has the general skills required by WAC 180-78-270 for all candidates for an endorsement as an educational staff associate.
- (3) Demonstration by the candidate that he or she has the specific skills required for all candidates for an endorsement as a specialized educational staff associate as set forth in WAC 180-78-290 through 180-78-325.

#### NEW SECTION

**WAC 180-78-285 PROGRAM APPROVAL REQUIREMENT—GENERAL KNOWLEDGE REQUIRED FOR ALL CANDIDATES FOR CERTIFICATION AS ESAS.** An approved preparation program for educational staff associates shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC 180-79-131 for all candidates for certification: PROVIDED, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work.

#### NEW SECTION

**WAC 180-78-290 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, CDS.** An approved preparation program for communication disorder specialists shall require candidates to demonstrate knowledge and skills in the following specific areas:

- (1) **KNOWLEDGE OF FIELD.** The candidate has knowledge about speech, language, and hearing processes, including normal and atypical speech and language development and causes and treatment of disorders.
- (2) **ASSESSMENT AND DIAGNOSIS.** The candidate has the knowledge and skill necessary to:
  - (a) Select, administer, and interpret assessment instruments relevant to the communication disorders specialist field.
  - (b) Identify students who exhibit disorders of speech, language and/or hearing; and determine through diagnostic procedures or referral the nature, etiology, and severity of the specific disorders.
  - (3) **PROGRAM DEVELOPMENT.** The candidate has the knowledge to develop a program appropriate to his or her professional role specialization and responsibilities.
  - (4) **PROGRAM EVALUATION.** The candidate has the knowledge to conduct systematic, evaluative procedures focusing on the improvement of the speech, language, and hearing program within each work setting.
  - (5) **CONSULTATION.** The candidate has the knowledge and skill to:
    - (a) Provide consultative services to parents, school personnel, and others concerned about speech, language, and hearing disorders and programs.
    - (b) Make referral to nonschool agencies.
    - (c) Participate in case conferences—e.g., multidisciplinary teams—with other specialists and school personnel.
  - (6) **MANAGEMENT OF SPECIAL AND TECHNICAL ENVIRONMENTS.** The candidate has the knowledge and skills to organize the materials, equipment, and environment essential to implement the respective specialized program.
  - (7) **PROGRAM DEVELOPMENT AND MANAGEMENT.** The candidate has the skill to:
    - (a) Plan, develop, implement, and evaluate a program of identification, prevention, instruction, and remediation as appropriate to his or her professional specialization.
    - (b) Provide information to instructional staff and curriculum decision makers regarding pupil needs, community needs, and resources.
    - (c) Works consistently to incorporate current ethical, legal, and professional developments into school policy and practice.

NEW SECTION

WAC 180-78-295 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, SCHOOL COUNSELOR. An approved preparation program for school counselors shall require the candidates to demonstrate knowledge and skills in the following specific areas:

(1) KNOWLEDGE OF THE FIELD. The candidate has the knowledge and skills in relevant fields of study, including:

(a) Individual and group counseling theories, principles, and techniques.

(b) Career development theories, programs, inventories, and materials.

(c) Information services as applied equitably to diverse socioeconomic, cultural ethnic groups and including sexual bias.

(d) Human growth and development.

(e) Social and cultural foundations including socioeconomic trends, changes in human roles, multicultural and pluralistic trends and major societal concerns including stress, person abuse, substance abuse, and discrimination.

(f) Appraisal theory, techniques, and instruments.

(g) Consultation.

(h) Referral resources and processes.

(i) Family dynamics, interaction, and parent education.

(j) Legal and ethical issues related to the practice of school counseling.

(k) Research and evaluation.

(2) INDIVIDUAL AND GROUP COUNSELING. The candidate has the knowledge and skill to:

(a) Plan and use individual and group strategies for remedial, preventive, and developmental needs of students.

(b) Provide educational and career decision-making experiences.

(c) Provide crises intervention.

(d) Assist students in peer helper processes.

(3) CONSULTATION AND REFERRAL. The candidate has the knowledge and skill to:

(a) Provide consultation for parents, teachers, and others with special emphasis on developmental needs, behavioral assessment, and crises needs of students.

(b) Refer to other services within the school and community.

(4) ASSESSMENT AND DIAGNOSIS. The candidate has the knowledge and skill in the following specific areas:

(a) Appraisal techniques and materials.

(b) Knowledge of achievement, aptitude, interest, and attitude testing.

(c) Test interpretation including knowledge of test characteristics, test scores, referencing, and limitations.

(d) Behavioral observations and case studies.

(5) PROGRAM PLANNING, MANAGEMENT, EVALUATION. The candidate has knowledge and skill to:

(a) Conduct needs assessments of students, teachers, and parents to determine the scope and delivery of the guidance program.

(b) Design systems to measure student outcomes related to the guidance and counseling program.

(c) Develop school guidance plans based on student needs that include goals, objectives, resources, and timelines.

(d) Coordinate programs with school psychologists, nurses, social workers, and community service providers.

(e) Prepare programs to alleviate the unique needs of students in areas such as grief, suicide prevention, dropout prevention, changes in family structure, or other such problems which interfere with the student's progress in school.

(f) Prepare programs for parents to improve parenting skills and to positively interact with the school system.

(g) Prepare, interpret, and disseminate findings from guidance program evaluation, and follow-up studies to school personnel, parents, and students.

(h) Provide staff development and supervision.

(6) PROFESSIONALISM. The candidate has the knowledge and skill to apply legal guidelines, professional codes of ethics, and knowledge of general professional standards.

NEW SECTION

WAC 180-78-300 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, SCHOOL OCCUPATIONAL THERAPIST. An approved preparation program

for school occupational therapists shall require the candidates to demonstrate knowledge and skills in the following specific areas:

(1) KNOWLEDGE OF THE FIELD. The candidate has knowledge and skill to apply in an education setting the knowledge and skill required by the state of Washington for licensure as an occupational therapist.

(2) ASSESSMENT. The candidate has the knowledge and skill to select, score, and interpret those assessments instruments and procedures which will assist the team in determining a student's level of growth and development and the effect of this level on the educational process and life adjustment.

(3) PROGRAM DEVELOPMENT. The candidate has the knowledge and skill to plan and adapt therapeutic activities for various service delivery models (individual, group, consultation, monitoring) and to establish a positive learning environment in order to achieve learning explicit educationally-related goals for the student.

(4) THERAPY INTERVENTION SERVICES. The candidate has the knowledge and skills to provide direct and indirect therapy to meet student needs in an education setting.

(5) PROGRAM RECORDS AND TREATMENT EVALUATION. The candidate has the knowledge and skill to:

(a) Analyze information from assessment, observations, and other contributing sources.

(b) Organize and summarize the data for oral or written reporting.

(c) Develop recommendation.

(d) Formulate educationally-related goals and objectives and maintain records of the child's response to treatment.

NEW SECTION

WAC 180-78-305 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, SCHOOL PHYSICAL THERAPIST. An approved preparation program for school physical therapists shall require the candidates to demonstrate knowledge and skills in the following specific areas:

(1) KNOWLEDGE OF THE FIELD. The candidate has the knowledge and skill to apply in an education setting the knowledge and skill required by the state of Washington for licensure as a physical therapist.

(2) ASSESSMENT. The candidate has the knowledge and skill needed to select, administer, and interpret physical therapy procedures, instruments, and techniques essential to assessment of the student's disability and its effect on the educational process.

(3) PROGRAM DEVELOPMENT AND EVALUATION. The candidate has the knowledge and skill needed to plan, implement, evaluate, and modify a physical therapy program to achieve specific goals and objectives for students.

(4) THERAPY INTERVENTION SERVICES. The candidate has the knowledge and skill needed to provide direct and indirect individual and group therapy to meet student's needs in the educational setting.

(5) INFORMATIONAL SERVICES. The candidate has the knowledge and skill needed to provide understandable information in oral and written form to parents, school personnel, and medical professionals regarding physical disabilities or disorders and their significance in the educational setting.

(6) ADMINISTRATION. The candidate has the knowledge and skill needed to organize and coordinate the delivery of services within the educational setting including maintenance of adequate records, identification of needed space and equipment, and supervision of physical therapist assistants and other personnel.

NEW SECTION

WAC 180-78-310 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, SCHOOL PSYCHOLOGIST. An approved preparation program for school psychologists shall require that candidates demonstrate knowledge and skills in the following specific areas:

(1) KNOWLEDGE OF THE FIELD. The candidate has knowledge and skill in relevant fields of study, including:

(a) Learning theory.

(b) Personality theory and development.

(c) Individual and group testing and assessment.

(d) Individual and group counseling and interviewing theory and techniques.

(e) Basic statistics.

(f) Child development.

(g) Exceptional children.

(h) Social and cultural factors.

(i) Deviant personality.

- (j) Curriculum.
- (k) Research design.
- (l) Physiological and biological factors.
- (2) **ASSESSMENT AND DIAGNOSIS.** The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:
  - (a) Intellectual and cognitive assessment.
  - (b) Individual and group academic skills.
  - (c) Personality assessment.
  - (d) Assessment of perceptual skills.
  - (e) Assessment of adaptive behavior; assessment of language skills.
- (3) **BEHAVIORAL OBSERVATION AND ANALYSIS.** The candidate has knowledge and skill in behavior observation, including:
  - (a) Data taking.
  - (b) Frequency measures.
  - (c) Qualitative and quantitative analysis of classroom behavior.
  - (d) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.
- (4) **COUNSELING AND INTERVIEWING.** The candidate has the knowledge and skill necessary to:
  - (a) Provide individual and group counseling to students and parents.
  - (b) Conduct interviews essential to information collecting from parents, teachers, and other professionals.
- (5) **PROGRAM DEVELOPMENT.** The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.
- (6) **CONSULTATION.** The candidate has the knowledge and skill to:
  - (a) Function on multi-disciplinary teams in evaluating and placing students.
  - (b) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.
- (7) **PROGRAM EVALUATION AND RECORDKEEPING.** The candidate has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.
- (8) **PROFESSIONALISM.** The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.
- (9) **RESEARCH.** The candidate has knowledge and skill to:
  - (a) Evaluate and perform research.
  - (b) Apply school-oriented research.
  - (c) Construct criterion-referenced instruments with reference to such educational decisions as:
    - (i) Retention in grade.
    - (ii) Acceleration and early entrance.
    - (iii) Early entrance.

#### NEW SECTION

**WAC 180-78-315 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, READING RESOURCE SPECIALIST.** An approved preparation program for reading resource specialists shall require the candidates to demonstrate knowledge and skills in the following specific areas:

- (1) **KNOWLEDGE OF THE FIELD.** The candidate has knowledge and skill to:
  - (a) Describe strategies used in the reading process.
  - (b) Evaluate various approaches and techniques used in the teaching of reading.
  - (c) Interpret and apply research.
  - (d) Interpret and apply psychological principles of cognitive and affective learning.
  - (e) Describe and compare various theories of the reading process.
  - (f) Present a model of the reading process and determine procedures, techniques and materials consistent with selected principles or models.
- (2) **INSTRUCTIONAL SKILL.** The candidate has the knowledge and skill to describe and demonstrate several ways to organize and implement reading instruction for optimal learning.
- (3) **PROGRAM EVALUATION.** The candidate has the knowledge and skill to evaluate gifted/talented, developmental, and remedial reading programs.
- (4) **ASSESSMENT AND DIAGNOSIS.** The candidate has knowledge and skill to:

- (a) Assess strengths and limitations of standardized and informal reading tests.
- (b) Interpret and apply relevant test data.
- (c) Assess reading strengths and weaknesses using a variety of procedures and recommend appropriate techniques, materials, and remediation to teachers, parents and others involved.
- (5) **PROGRAM DEVELOPMENT.** The candidate has the knowledge and skill to plan and implement reading programs for the gifted/talented development and remedial components.
- (6) **STAFF DEVELOPMENT AND CONSULTATION.** The candidate has the knowledge and skill to:
  - (a) Assist teachers in the improvement of reading instruction.
  - (b) Present and interpret research programs, techniques, or materials to teachers, administrators, parents, or others involved.

#### NEW SECTION

**WAC 180-78-320 PROGRAM APPROVAL REQUIREMENT—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, SCHOOL NURSE.** An approved preparation program for school nurses shall require the candidates to demonstrate knowledge and skills in the following specific areas:

- (1) **KNOWLEDGE OF THE FIELD.** The candidate has knowledge and skill to apply in an education setting the knowledge and skill required by the state of Washington for licensure as a registered nurse and, in addition has knowledge of the following areas:
  - (a) School health programs.
  - (b) Guidance, health counseling, and crisis intervention.
  - (c) Health education curriculum.
- (2) **PROFESSIONALISM.** The candidate has the knowledge of professional standards regarding ethical and legal practices relevant to the practice of school nursing.

#### NEW SECTION

**WAC 180-78-325 PROGRAM APPROVAL REQUIREMENTS—SPECIFIC KNOWLEDGE AND SKILLS FOR ESA, SCHOOL SOCIAL WORKER.** An approved preparation program for school social workers shall require the candidates to demonstrate knowledge and skills in the following specific areas:

- (1) **SERVICE DELIVERY.** The candidate has knowledge and skill in:
  - (a) Social problem assessment including assessment of behavioral problems, family dysfunction, interpersonal relationship problems, and problems of victimization.
  - (b) Problems of school refusal, truancy, and poor classroom performance.
  - (c) Collaboration with teachers and other school personnel on an individual or group basis for the purpose of assessment.
  - (d) Planning of programs of remediation for individual pupils and their families or in some instances for groups of pupils.
  - (e) Interviewing and counseling pupils in relation to the social problems adjudged to be impairing the pupils ability to learn.
  - (f) Consulting and counseling with parents and significant others, including personnel from community agencies and programs.
  - (g) Developing and utilizing the resources of the community to assist pupils meet various social needs including the needs for; improved nutrition, shelter, protection from sexual and physical abuse, health and social services, and drug and alcohol counseling.
- (2) **SOCIAL ENVIRONMENT.** The candidate has knowledge and skill in:
  - (a) Understanding community theory, social systems theory, organizational theory (e.g., school as a bureaucracy), macrosystem intervention theory (e.g., community organization, social planning, community relations, case management, networking), social disorganization (e.g., poverty, family violence, unemployment), and the changing family.
  - (b) Providing in-class or individual consultation to teachers with respect to problems of classroom management of students presenting social and behavioral difficulties, including the provision of in-service presentations on the subjects of school social work and social problems and their management.
- (3) **RESEARCH AND EVALUATION.** The candidate has the knowledge and skill in:
  - (a) Designing and conducting, or assisting in the design and conduct of research and evaluation of school social work practice and of causal and remedial approaches to problems of educational and social nature.
  - (b) Evaluating school and community needs and assisting decision makers in addressing those needs.
  - (c) Social problems analysis, including design, methodology, implementation, analysis and findings, and utilization.

(4) EDUCATIONAL CONTEXT. The candidate has the knowledge and skill in theories of learning, roles of educational personnel, role of social worker in educational setting, school law, and professional standards.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-78-027 APPEAL—GENERAL.  
 WAC 180-78-030 AGENCIES TO BE INVOLVED IN PROGRAM DEVELOPMENT.  
 WAC 180-78-035 PROGRAM APPROVAL PROCESS.  
 WAC 180-78-040 PROGRAM APPROVAL—PROCEDURES FOR SITE VISITS.  
 WAC 180-78-050 PROGRAM APPROVAL STANDARDS AND CRITERIA.  
 WAC 180-78-055 PROGRAM APPROVAL—LENGTH OF APPROVAL.

**WSR 87-22-108**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning professional preparation certification requirements, chapter 180-79 WAC;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 10, 1987.

Dated: November 3, 1987

By: Monica Schmidt  
 Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-79 WAC.

Rule Section(s): WAC 180-79-010, 180-79-045, 180-79-049, 180-79-060, 180-79-062, 180-79-063, 180-79-065, 180-79-080, 180-79-086, 180-79-115 through 180-79-140, 180-79-230 and 180-79-245.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): To set forth standards for certification of professional educators.

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): Comprehensive revision of certification standards.

Section Analysis: WAC 180-79-010 eliminates outdated definitions, and makes technical changes; 180-79-045 makes provision for transition from old to new standards; 180-79-049 requires applicants for certification to have completed specified professional preparation

programs; 180-79-060 changes duration of initial certificates after August 1992; 180-79-062 defines approved baccalaureate degree; 180-79-063 defines approved masters degree; 180-79-065 changes length of specified certificates and conditions for renewal or reinstatement; 180-79-080 provides for transition from K-8 to K-6 endorsements; 180-79-086 eliminates outdated language; 180-79-115 through 180-79-140 changes certification requirements for teachers, administrators, and educational staff associates - specifically, experience, academic, and/or licensing requirements; 180-79-230 eliminates outdated language, and modifies requirements for certain limited certificates; and 180-79-245 substantially changes provisions related to out-of-state candidates for certification.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Dr. Charles Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) The terms, "agency," "program approval," "accreditation," (~~"cooperation," "program unit,"~~) "endorsement," "interstate compact," (~~"minimum generic standards," "program outcomes," "site visit," "general professional organization," "school organization,"~~) and "college or university," (~~and "specialized associations,"~~) as defined in WAC 180-78-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate reinstatement" means the process whereby the validity of ~~((any))~~ a continuing certificate ~~((not subject to renewal))~~ may be reestablished.

(4) "Certificate renewal" means the process whereby the validity of an initial certificate may be ~~((reestablished))~~ continued.

(5) "Certificate revocation" means the process whereby an individual's certificate is rescinded.

(6) "Classroom teaching" means instructing pupils in a classroom setting.

(7) "Educational setting" means any setting, the primary purpose for which is to instruct/teach or to provide services to children, youth, or adults or to administer education programs. This shall include but not be limited to state board of education approved in-state public and nonpublic schools; out-of-state K-12 schools; preschools; vocational schools; professional education associations; school board agencies; state and federal agencies or committees and private foundations primarily concerned with education programs; educational service districts; the office of the superintendent of public instruction; and institutions of higher education.

(8) ~~((Out-of-state applicant" means an applicant for a Washington state certificate who completed preparation for such certificate in a state other than Washington and who has not previously held a Washington state certificate covering the professional role for which he or she is seeking Washington state certification.~~

(9)) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical and laboratory settings. Such learning experiences are related to specified program outcomes and are designed to integrate educational theory, knowledge,

and skills in actual practice under the direction of a qualified supervisor.

**AMENDATORY SECTION** (Amending Order 4-87, filed 4/3/87)

**WAC 180-79-045 CERTIFICATES—PREVIOUS STANDARDS.** (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term. All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reinstate a standard certificate or on application and payment of the fee as specified in WAC 180-75-065(1): **PROVIDED**, That all persons who hold any provisional or initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for standard or continuing certification as set forth in the relevant previous standards so long as the standard or continuing certificate is obtained within six calendar years of the date on which the first provisional or initial certificate was issued; and, if such requirements are met, shall be issued a continuing certificate subject to the conditions of this chapter: **PROVIDED FURTHER**, That all persons who hold other than provisional or standard teaching certificates issued under standards of the state board of education adopted prior to 1971 shall be issued continuing certificates if they have completed forty-five quarter hours (thirty semester hours) of preparation past the baccalaureate degree and three years of experience: **PROVIDED FURTHER**, That persons holding provisional credentials as administrators under standards adopted by the state board of education in 1956 who have completed all requirements for the standard credential except the three years of experience as a principal or superintendent shall be issued continuing administrator certificates under these standards if they have completed at least five years of experience in an educational setting and three years of experience in the role of superintendent, principal, vice principal, or deputy or assistant to a principal or superintendent: **PROVIDED FURTHER**, That any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate: **PROVIDED FURTHER**, That any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative certificates with endorsements for such respective roles and such certificates shall be subject to the continuing education requirements of chapter 180-85 WAC.

(2) Except as noted in subsection (1) of this section, certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

~~((Program standards and certificate requirements set forth in chapters 180-80 and 180-84 WAC for renewal of provisional and initial certificates and issuance of standard and continuing certificates shall continue in effect:))~~

**NEW SECTION**

**WAC 180-79-049 PROFESSIONAL PREPARATION PROGRAM REQUIREMENT FOR CERTIFICATION.** All applicants for certification, except as otherwise provided in WAC 180-79-230, in order to be certified within the state of Washington shall have completed a state approved preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must have completed a state approved preparation program for certification as a teacher and candidates for superintendent's certificates must have completed a state approved preparation program for certification as a teacher or educational staff associate.

**AMENDATORY SECTION** (Amending Order 4-87, filed 4/3/87)

**WAC 180-79-060 LEVELS OF CERTIFICATES.** Two levels of certification may be issued:

(1) Initial certificate. The initial certificate is valid for ~~((four))~~ two years and ~~((authorizes school service in a particular role and))~~ allows the holder to assume independent responsibility for working with children, youth, and adults: **PROVIDED**, That initial certificates issued or applied for prior to August 31, 1992, shall be valid for four years.

(2) Continuing certificate. The continuing certificate is valid on a continuing basis ~~((and authorizes school service in a particular role. The certificate indicates that the holder has completed additional requirements beyond the initial certificate level)).~~

**NEW SECTION**

**WAC 180-79-062 APPROVED BACCALAUREATE DEGREE—DEFINITION.** "Approved baccalaureate degree" for the purpose of this chapter means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79-080. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: **PROVIDED**, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required quarter or semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79-080.

**NEW SECTION**

**WAC 180-79-063 APPROVED MASTERS DEGREE—DEFINITION.** "Approved masters degree" for the purpose of this chapter means a masters degree from a regionally accredited college or university in teaching or arts, science, and humanities: **PROVIDED**, That a candidate who holds a masters degree in another field will not be required to obtain a second masters degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed thirty graduate quarter hours (twenty semester hours) of course work in one of the subject areas of the endorsements listed in WAC 180-79-080.

**AMENDATORY SECTION** (Amending Order 13-87, filed 6/16/87)

**WAC 180-79-065 CERTIFICATE LAPSE, RENEWAL, AND REINSTATEMENT.** (1) Initial certificate.

(a) ~~((The))~~ An initial certificate issued prior to August 31, 1992 may be renewed once for a three-year period on application and verification that the individual has completed all course work requirements for continuing certification or has completed at least fifteen quarter hours (ten semester hours) of course work since the initial certificate.

(b) ~~((The))~~ An initial teaching certificate ((may be reinstated for two three-year periods on application and verification that the individual has completed all course work requirements for continuing certification or has completed at least fifteen quarter hours (ten semester hours) of course work since the issuance, renewal, or reinstatement, whichever is later, of the affected certificate)) issued on or after August 31, 1992 may be renewed for a three-year period by the applicant providing proof that he or she is enrolled in an approved masters degree program. A second renewal for a two-year period shall be granted if the candidate provides the following information from the degree granting institution:

(i) That the candidate has made substantial—i.e., fifty percent or more—progress toward the completion of an approved masters degree;

(ii) That the candidate has made satisfactory progress in the approved masters degree program;

(iii) That the candidate has made satisfactory arrangements to complete the approved masters degree program during the two-year extension period.

(c) An initial administrator or educational staff associate certificate issued on or after August 31, 1992, may be renewed for a three-year period.

(2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987 and who applied for such certificates prior to July 1, 1988 or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC.

(3) Recency of training. If an applicant for an initial certificate has not previously held a Washington or other state professional certificate and has not completed fifteen quarter (ten semester) hours of course work within the seven years immediately preceding application for such initial certificate, he/she will be required to complete fifteen quarter (ten semester) hours of course work prior to receipt of an initial certificate.

(4) Reinstatement of initial certificates. Initial certificates may be reinstated pursuant to the provisions of WAC 180-75-087 and shall be subject to the same terms and conditions as renewal of an initial certificate.

#### AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-080 AUTHORIZED ENDORSEMENTS FOR TEACHERS. Endorsements for grade levels and subject areas within such grade levels for certificated teachers receiving endorsements (~~on or after August 31, 1987;~~) shall be limited to the following:

(1) Preschool through grade three endorsements shall be granted in the subject area of:

- (a) Early childhood special education.
- (b) Early childhood education.

(2) Grade kindergarten through grade ~~((eight))~~ six endorsements shall be granted in the subject area of elementary education which shall include all subject areas taught in such grades: PROVIDED, That endorsements granted pursuant to this subsection prior to August 31, 1992, shall be for grade kindergarten through grade eight.

(3) Grade kindergarten through grade twelve endorsements shall be granted in:

- (a) Art
- (b) Music (broad subject area endorsement) and the specialized subject areas of:
  - (i) Choral music
  - (ii) Instrumental music
  - (c) Physical education
  - (d) Reading
  - (e) Designated foreign language
  - (f) Special education
  - (g) Learning resources
  - (h) English as a second language
  - (i) Bilingual education.
- (4) Grade four through grade twelve endorsements shall be granted in:

(a) English/language arts (broad subject area endorsement) and the specialized English/language arts subject areas of:

- (i) Drama
- (ii) English
- (iii) Journalism
- (iv) Speech.

(b) Science (broad subject area endorsement) and the specialized science subject areas of:

- (i) Biology
- (ii) Chemistry
- (iii) Earth science
- (iv) Physics.

(c) Social studies (broad subject area endorsement) and the specialized social studies subject areas of:

- (i) Anthropology
- (ii) Economics
- (iii) Geography
- (iv) History
- (v) Political science
- (vi) Psychology
- (vii) Sociology.

(d) The specialized subject areas of:

- (i) Agriculture
- (ii) Business education
- (iii) Computer science
- (iv) Health
- (v) Home economics
- (vi) Industrial arts
- (vii) Mathematics
- (viii) Marketing education.

(5) Traffic safety endorsements may be noted on certificates issued under this chapter if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.08.010(3).

#### AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-086 MINIMUM PREPARATION FOR ENDORSEMENTS FOR TEACHERS. (~~Effective August 31, 1987;~~) Endorsements granted teachers shall comply with the following:

(1) Endorsements—with the exception of the broad subject area endorsements of English/language arts, music, science, and social studies, which shall require the satisfactory completion of a minimum of forty-five quarter hours (thirty semester hours) of course work—shall require the satisfactory completion of a minimum of twenty-four quarter hours (sixteen semester hours) of course work—not including any practice teaching, internship, or other clinical or field laboratory experience courses—in the subject area in a regionally accredited institution of higher education or in a college or university with a professional preparation program approved by the state board of education pursuant to chapter 180-79 WAC.

(2) Reasonable flexibility shall be permitted in establishing equivalencies for specified subject area course work. The test for substitution of an equivalent course for a stated subject area course is a factual determination that the subject matter content of the equivalent course, or combination of courses, substantially complies with the generally recognized course content of the subject area course.

(3) The superintendent of public instruction shall present to the state board of education prior to January 1, 1988, recommendations for rule adoption which will authorize specific examinations and qualifying scores which will authorize the granting of endorsements in grade levels and subject areas in lieu of the course work prescribed in subsection (1) of this section.

#### AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-115 ACADEMIC (~~(AND EXPERIENCE)~~) REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-75-080 and 180-75-085.

(1) Initial.

(a) Candidates for the initial certificate who apply for such certificate on or before August 31, 1992, shall hold a baccalaureate degree from a regionally accredited college or university and shall have completed the degree major in an academic field or in the teaching specialization of early childhood, elementary, reading, or special education.

(b) Candidates (~~(shall give evidence that they have completed field experience which include observations and at least eight weeks of full time or equivalent practice teaching under supervision in a state board of education approved or accredited public or nonpublic school, grades preschool through 12))~~ for the initial certificate who apply for such certificate after August 31, 1992, shall hold an approved baccalaureate degree from a regionally accredited college or university: PROVIDED, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79-080 (3)(a) through (e) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate on or before August 31, 1992, shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which twenty-one quarter hours (fourteen semester hours) must be taken after the first year of teaching unless such candidate holds a master's or higher degree: PROVIDED, That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates (~~(shall have completed at least three years of professional service as a teacher, administrator, or educational staff associate in an educational setting, at least two years of which shall be as a classroom teacher in grades preschool through 12))~~ who apply for a continuing certificate after August 31, 1992, shall have completed an approved masters degree.

(c) Effective August 31, 1988, candidates who apply after such date shall have been granted or have completed the requirements for at least two subject area endorsements.



**NEW SECTION**

WAC 180-79-117 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—TEACHERS. In addition to the academic requirements specified in WAC 180-79-115, candidates for continuing teachers' certificates shall provide, as a condition for the issuance of a continuing certificate, documentation of two years of continuous half time or more, for the full school year, teaching experience with the same employer—i.e., school district, state agency, private school, or private school system.

**AMENDATORY SECTION** (Amending Order 7-81, filed 6/1/81)

WAC 180-79-120 ACADEMIC ((AND EXPERIENCE)) REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-75-085.

(1) Superintendent.

(a) Initial.

(i) The candidate who applies for an initial certificate on or before August 31, 1992, shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education-related course work(:

~~((ii) The candidate))~~ and shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate at the time he or she applies for the initial superintendent's certificate.

~~((iii))~~ (ii) The candidate ~~((shall have served as an administrator in K-12 settings for at least three years as verified by the district(s) superintendent or designee:~~

~~(iv) The candidate shall have completed a one-year internship appropriate to the role of superintendent. The internship shall provide experience under supervision in all aspects of a district's program)) who applies for an initial certificate after August 31, 1992, shall hold an approved masters degree and have completed at least forty-five quarter hours (thirty semester hours) of graduate level course work in education.~~

(b) Continuing.

(i) The candidate who applies for a continuing certificate on or before August 31, 1992, shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) The candidate ~~((shall have completed at least three years of experience as superintendent, deputy superintendent, or assistant superintendent))~~ who applies after August 31, 1992, shall hold an approved masters degree and have completed at least sixty quarter hours (forty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(2) Principal.

(a) Initial.

(i) The candidate who applies on or before August 31, 1992, shall hold a valid initial or continuing teacher certificate at the time he or she applies for the initial principal's certificate(:

~~((ii) The candidate shall have completed at least three years of certificated service in a K-12 setting, including a minimum of one year of classroom teaching experience as a certificated teacher at the level for which he or she seeks certificate endorsement: PROVIDED, That if the candidate has not served as a teacher, a waiver of this requirement may be requested as specified under WAC 180-75-015 and the candidate shall during the internship experience complete supervised experiences in the classroom at the level for which the certificate will be endorsed and shall demonstrate the minimum generic standards set forth in WAC 180-79-130 and 180-79-135 for teachers.~~

~~((iii) The candidate shall complete an internship at the grade level(s) for which the certificate will be endorsed. As a minimum the internship shall be of sufficient length and depth to provide experience under supervision in all aspects of the school program and participation in activities prior to the opening and following the closing of the regular school year.~~

~~((iv) The candidate))~~ and shall have completed at least thirty quarter hours (twenty semester hours) of work applicable to a graduate degree subsequent to receipt of a baccalaureate degree in an approved program for preparation of principals.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree and have completed at least thirty quarter hours (twenty semester hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate who applies on or before August 31, 1992, shall hold a master's degree.

(ii) The candidate ~~((shall have completed at least three years of experience as a principal, vice principal, or assistant principal))~~ who applies after August 31, 1992, shall hold an approved masters degree and completed at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(3) Program administrator.

(a) Initial.

(i) The candidate who applies on or before August 31, 1992, shall hold a valid initial or continuing teacher or educational staff associate certificate at the time he or she applies for the program administrator's initial certificate(:

~~((ii) The candidate))~~ and shall hold a master's degree.

~~((iii))~~ (ii) The candidate ~~((shall have completed at least three years of certificated service in an educational setting, grades K-12.~~

~~((iv) The candidate shall have completed an internship which provides administrative experience in an area of program speciality as well as in general program administration))~~ who applies after August 31, 1992, shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy or physical therapy, or a masters degree in public, education, or business administration and have completed at least twenty-four quarter hours (sixteen semester hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate who applies on or before August 31, 1992, shall have completed at least fifteen quarter hours (ten semester hours) of graduate work subsequent to the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate ~~((shall have completed at least three years of experience as a program administrator in a district-wide assignment))~~ who applies after August 31, 1992, shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy, physical therapy, or a masters degree in public, education, or business administration and have completed at least thirty quarter hours (twenty semester hours) of graduate level course work in education or shall hold a doctorate in education.

**NEW SECTION**

WAC 180-79-122 EXPERIENCE REQUIREMENT FOR INITIAL ENDORSEMENT—PRINCIPALS. In addition to the academic requirements specified in WAC 180-79-120(2), candidates for initial administrator's certificate with a principals' endorsement, as a condition for the issuance of such endorsement, documentation of two year's of continuous half time or more, for the full school year, teaching experience with the same employer—i.e., school district, state agency, private school, or private school system.

**AMENDATORY SECTION** (Amending Order 7-86, filed 6/10/86)

WAC 180-79-125 ACADEMIC ((AND EXPERIENCE)) REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC 180-75-085: PROVIDED, That it shall not be necessary for any candidate who holds a master's degree to obtain a second master's degree~~((, however,))~~ if the candidate ~~((shall complete))~~ provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work ~~((and experience))~~ requirements relevant to the ~~((specialization set forth in an approved preparation program for the appropriate ESA speciality. Candidates for continuing level certification shall have completed at least three years of certificated service in an educational setting in the respective ESA role for which he or she is seeking certification))~~ required masters degree and has satisfactorily completed a comprehensive written examination required in such masters degree program: PROVIDED, That if the candidate has been awarded a masters degree without a comprehensive written examination, the candidate may arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

(1) Communication disorders specialist.

(a) Initial. ~~((††))~~ The candidate shall have completed all requirements for the master's degree (except special ~~((examinations;))~~ projects or thesis) with a major in speech pathology and/or audiology.

~~((†††) The candidate shall have completed practicum experiences in communication disorders which include observation as well as practice under supervision in K-12, clinical, and field/laboratory settings.))~~

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

(2) School counselor.

(a) Initial. ~~((††))~~ The candidate shall have completed all requirements for the master's degree (except special ~~((examinations;))~~ projects or thesis) with a major in counseling.

~~((†††) The candidate shall have completed a supervised practicum or internship in counseling in a K-12 school setting.))~~

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(3) School occupational therapist.

(a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy ~~((and have status as an occupational therapist registered with the American occupational therapy association.))~~

~~((††) The candidate shall have completed a practicum experience with students of ages typically served in the common schools which includes observation as well as practice under supervision in a field or clinical setting which has an educational component.))~~

~~((†††) The candidate shall have successfully completed the American occupational therapy association certification examination.))~~

~~((††††) (ii) The candidate shall hold a valid license as an occupational therapist in Washington state.))~~

(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of graduate work ((or continuing education)) in occupational therapy or education.

(4) School physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a ~~((current Washington state))~~ valid license ~~((or a probational certificate to practice))~~ as a physical therapist in Washington state.

~~((†††) The candidate shall have completed a practicum experience with students of ages typically served in the common schools which includes observation as well as practice under supervision in a field or clinical setting which has an educational component.))~~

(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school physical therapist and have completed at least fifteen quarter hours (ten semester hours) of graduate work ((or continuing education)) in physical therapy or education.

(5) School psychologist.

(a) Initial.

~~((††))~~ The candidate shall have completed all requirements for the master's degree (except special ~~((examinations;))~~ projects or thesis) with a major or specialization in school psychology.

~~((†††) The candidate shall have completed a practicum or internship under supervision in an educational setting, K-12.))~~

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

~~((†) The candidate shall hold a valid initial or continuing level teacher's certificate at the time he or she applies for the reading resource specialist's initial certificate.))~~

~~((††))~~ The candidate shall have completed all requirements for the master's degree (except special ~~((examinations;))~~ projects or thesis) with a major or specialization in reading.

~~((†††) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.))~~

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing ~~((with an emphasis in school nursing or community health)).~~

~~((†††) The candidate shall have completed field experiences in an educational setting, K-12, which includes observation as well as practice under supervision.))~~

(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school nurse and have completed at least forty-five quarter hours (thirty semester hours) of ((upper division or)) graduate work in education, community health, nursing or school nursing ((-thirty quarter hours (twenty semester hours) of which have been taken subsequent to the first year of service as a school nurse)).

(8) School social worker.

(a) Initial.

~~((††))~~ The candidate shall have completed all requirements for a master's degree in social work except special ~~((examinations;))~~ projects or thesis.

~~((†††) The candidate shall have completed a field experience or practicum in an educational setting under the supervision of a certificated master of social work. The field experience or practicum shall be with students of ages typically served in the common schools.))~~

(b) Continuing. The candidate shall hold a master's degree in social work ~~((or an initial level certificate as a school social worker)).~~

#### NEW SECTION

WAC 180-79-127 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—ESAS. In addition to the academic requirements specified in WAC 180-79-179, candidates for continuing educational staff associate certificates shall provide, as a condition for issuance of a continuing certificate, documentation of two years of continuous half time or more, for the full school year, employment in the respective role with the same employer—i.e., school district, educational service district, state agency, private school, or private school system.

#### NEW SECTION

WAC 180-79-131 GENERAL KNOWLEDGE REQUIRED OF ALL CANDIDATES FOR CERTIFICATION. General knowledge required of all candidates for certification includes the following:

(1) SCHOOLS AND SOCIETY. Topics to be included consist of the following:

(a) Development of education in public and private schools in the United States.

(b) The nature and foundation of the educational system, including the evolution of school curriculum in grades P-12.

(c) Public policy issues related to the role of schools in a democratic society, with particular emphasis on:

(i) Equity issues related to various populations—e.g., race, sex, handicapping conditions, gifted, migrant, poverty, aliens, etc.

(ii) Study of values in public schools.

(iii) Issues related to the funding of public and private schools.

(iv) Compulsory attendance, compulsory education, and parental rights and responsibilities.

(v) Federal, state, and community control of schools.

(vi) Resource personnel and public and private agencies, including professional associations, which offer services to teachers, children, parents, and schools.

(2) HUMAN GROWTH, DEVELOPMENT, AND LEARNING. Topics included consist of the following:

(a) Physical, psychomotor, cognitive, social, and emotional development of the normal and exceptional child, including those with handicapping conditions and the highly capable from birth to age twenty-one.

(b) Theories of learning, including:

(i) Behavioralism.

(ii) Social learning.

(iii) Information processing.

(iv) Cognitive development.

(c) Educational processes appropriate to normal and exceptional children, including those with handicapping conditions and the highly capable from birth through age twenty-one as to:

(i) Collection and interpretation of data.

(ii) Identification and assessment of individual students.

(iii) Impact of teaching and learning techniques on behavior.

(3) **AMERICAN SCHOOL LAW.** Topics include legal matters common to all education systems within the United States and consist of the following:

- (a) Educational structure and governance, including the role of the courts.
- (b) Students and the law, including First Amendment and due process rights, corporal punishment, grading, expulsion, suspension, discipline, and search and seizure and privacy rights.
- (c) School professionals and the law, including nonrenewal, discharge, revocation, academic freedom, collective bargaining, professional ethics and legal responsibilities, and child abuse and other reporting requirements.
- (d) Professional and school district liability, including negligence and tort liability.
- (e) Federal law respecting the rights of the handicapped.

#### NEW SECTION

**WAC 180-79-136 GENERAL KNOWLEDGE REQUIRED OF ALL CANDIDATES FOR TEACHER CERTIFICATES.** General knowledge of all candidates for teacher certificates include the following:

(1) **CLASSROOM MANAGEMENT AND DISCIPLINE.** Topics to be included consist of the following:

- (a) Research and theoretical models used to design instructional programs that manage the physical environment and the human dynamics of the classroom.
- (b) Alternative forms of corrective action and application of such to classroom behavior.
- (c) Designing instructional units, including alternative approaches to development, implementation, and evaluation of such units.

(2) **INSTRUCTION METHODOLOGY.** Topics to be included consist of the following:

- (a) Instructional theory and strategies (i.e., Informational Processing, Personal, Social, Behavioral Systems), including the strengths and weaknesses of alternative models.
- (b) The needs of exceptional students requiring special instruction, the assessment of learning abilities, the appropriate methods and materials, and the ways of adapting the regular curriculum for these students.
- (c) The instructional uses of audio-visual materials, the computer, and other technological developments.
- (d) Techniques for assessing students' reading and writing levels in content areas, making appropriate referrals, and, if necessary, prescribing appropriate remedial action.

(3) **STUDENT TESTING, ASSESSMENT, AND EVALUATION.** Topics to be included consist of the following:

- (a) Developing and using classroom formative and summative procedures including planning, developing, administering and returning, essay, true/false, matching, and multiple choice items.
- (b) Observing and rating student achievement and behavior.
- (c) Student marking or grading systems.
- (d) Social, legal, and ethical issues in student testing.

(4) **PROGRAM ASSESSMENT.** Topics to be included consist of the following:

- (a) Interpreting norm and criterion referenced tests.
- (b) Reliability and validity of classroom and standardized tests.
- (c) Basic measurement and statistical concept.
- (d) Ethnographic approaches.

(5) **TEACHER EVALUATION AND PROFESSIONAL GROWTH.** Topics to be included consist of the following:

- (a) State evaluation laws, including contract renewal procedures.
- (b) Procedures for obtaining feedback on professional effectiveness.
- (c) Developing personal inservice plans for professional improvement.

#### NEW SECTION

**WAC 180-79-140 GENERAL KNOWLEDGE REQUIRED OF ALL CANDIDATES FOR ADMINISTRATOR CERTIFICATES.** General knowledge of all candidates for administrator certificates include the following:

(1) **SCHOOL ORGANIZATION AND MANAGEMENT.** Topics to be included consist of the following:

- (a) Social systems theory, including:
  - (i) Formal and informal organization structure and communications.
  - (ii) Rational and organic models of organization.
- (b) Organizational behavior, including:

- (i) Bureaucratization.
- (ii) Individual and institutional behavior.
- (iii) Power, authority, and delegation.
- (c) Management behavior, including:
  - (i) Management systems, including planning by objectives—i.e., goal setting, implementation, and evaluation.
  - (ii) Administrative style, including leadership models, decision making, motivation and change strategies, and conflict resolution.

(2) **PROGRAM ADMINISTRATION.** Topics to be included consist of the following:

- (a) Personnel management, including:
  - (i) Recruitment and selection, including affirmative action, nondiscrimination, and interviews.
  - (ii) Employment, including job descriptions, salary surveys, comparable worth, collective bargaining, grievances, arbitration, wages and equal pay laws, entitlements, assignments, and working conditions.
  - (iii) Supervision, including managerial responsibilities, formative observation, summative evaluation, performance standards, discipline, nonrenewal, and discharge.
- (b) Fiscal management, including:
  - (i) Budgeting procedures for public schools.
  - (ii) Accounting procedures for public schools.
  - (iii) Auditing procedures, both internal and external, for public schools.
- (c) Community relations, including contact with media, community groups, advisory committees, and business and labor organizations.
- (d) Curriculum development and evaluation, including:
  - (i) Theories and models for curriculum development in basic skills programs.
  - (ii) Remedial programs.
  - (iii) Articulation and sequencing between grade level and courses.
  - (iv) Interrelationship at specialized curriculum and courses—i.e., special education, gifted, chapter I, and vocational education.

(3) **WASHINGTON STATE SCHOOL LAW.** Topics included consist of the following:

- (a) Provisions of the Washington state Constitution affecting the operation of public schools, including:
  - (i) Sectarian control of public schools.
  - (ii) Gift of public funds.
  - (iii) School finance.
  - (iv) School organization.
  - (v) Sex equity.
- (b) Provisions of Washington state law, including applicable rules and regulations, affecting the operation of public schools, including:
  - (i) Basic education and categorical funding of education programs.
  - (ii) Special levies, operational and capital.
  - (iii) Intergovernmental agreements, interdistrict cooperation and contracts, and student transfer law.
  - (iv) Qualifications, elections, and recall of board members.
  - (v) Public disclosure, campaign reporting, conflict of interest, and open meeting laws.
  - (vi) Equity and nondiscrimination.
  - (vii) Education of the handicapped.
  - (viii) Student conduct, discipline, rights, and responsibilities.
  - (ix) Health and safety, including communicable disease, child abuse, and corporal punishment.
  - (x) Certification laws, issuance, assignment, endorsements, and revocation.
  - (xi) Recruitment, nonrenewal, and discharge of certificated employees.
  - (xii) Collective bargaining laws, certificated and classified.

#### AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

**WAC 180-79-230 LIMITED CERTIFICATES.** The following certificates are issued under specific circumstances for limited periods of service as outlined:

- (1) Consultant special certificate.
  - (a) The issuance of consultant special certificates is limited to:
    - (i) Persons highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools;
    - (ii) Persons who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3);
    - (iii) ~~Persons who qualify to teach specific subjects in the adult education program;~~
    - (iv) ~~Persons who under previous standards hold the band and orchestra certificate; and~~

(v)) Persons who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved program.

(b) Such certificates are issued to individuals who are screened by the local school district or educational service district superintendents. The educational service district or local district superintendent will verify that the following criteria have been met when requesting the consultant special certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities and will not be serving in a paraprofessional role which would not require certification;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field;

(iv) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority, and the duration of the assignment; and

(v) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment and will verify that general requirements for certification as set forth in WAC 180-79-105 through 180-79-110 have been met.

(c) The certificate is valid for one year and only for the activity specified. The certificate may be reissued on application and evidence that requirements continue to be met: PROVIDED, That the superintendent of public instruction may extend the validity of the certificate for more than one year but no more than four years.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:

(c) PROVIDED, That if the district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may ((determine in emergency situations to)) issue ((the)) emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district ((for the duration of the emergency but not to exceed one year)) once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: PROVIDED, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate. ((The superintendent of public instruction shall determine that the issuance of such certificate is in the best interest of the state:))

(b) The emergency certificate is valid for one year.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 392-193-055(1) and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(5) Nonimmigrant alien foreign language teacher. Applicants for certification as a nonimmigrant alien foreign language teacher must qualify pursuant to WAC 392-193-055(2) and possess a baccalaureate degree or establish equivalency to a baccalaureate degree by having his or her college or university transcripts evaluated as equivalent by any accredited college or university within the state of Washington.

#### AMENDATORY SECTION (Amending Order 7-81, filed 6/1/81)

WAC 180-79-245 RECIPROCITY. Candidates for certification who hold certificates or credentials in other states or who have completed approved or accredited preparation programs in other states shall be eligible for Washington certificates as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to any candidate who meets one of the following:

(a) Qualifies under provisions of the interstate compact ((or of this chapter, or)).

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in ((WAC 180-79-250)) this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued ((and has verification by previous supervisors and instructors that he or she possesses the relevant minimum generic standards. PROVIDED, That no more than seven years has elapsed since the individual completed his or her preparation or last served in a certificated position in an educational setting)) and such additional professional fields as required by WAC 180-79-049.

(2) Continuing certificate. The continuing certificate shall be issued on verification ((from a Washington state board of education approved preparation program)) that the ((individual)) candidate meets relevant academic and experience requirements and of passing the exit examination or admission to practice examination required for initial certification in the state of Washington and ((minimum generic standards set forth in this chapter or directly by)) the candidate provides the superintendent of public instruction ((or his or her designee as set forth below:

(a) Teachers:

(i) Out-of-state candidates who meet all requirements for continuing certification as set forth in WAC 180-75-080, 180-75-085, 180-79-115, and 180-79-250 and who have verification from previous supervisors or instructors that they meet the minimum generic standards set forth in WAC 180-79-130 and 180-79-135 shall be issued a continuing certificate:

(ii) Out-of-state candidates who have not completed all requirements for continuing certification as outlined in section (a)(i) above shall proceed as follows:

(A) Out-of-state candidates who elect to complete the continuing certificate out-of-state. Candidates shall be assisted by SPI and shall meet all requirements for out-of-state candidates set forth in (2)(a)(i) above:

(B) Out-of-state candidates who elect to complete the continuing certificate in Washington state:

Candidates who need fifteen quarter hours or less of course work and/or experience to complete the requirements for continuing certification shall be assisted by the superintendent of public instruction. The superintendent of public instruction's recommendations of course work or experience shall be based on suggestions made by the district in which the candidates teach or have most recently taught:

Candidates who need sixteen quarter hours or more of course work to complete the requirements for continuing certification shall be informed of and referred to an in-state approved program for completion of certificate requirements:

All candidates shall provide verification from supervisors or instructors that they meet minimum generic standards for continuing certification set forth in WAC 180-79-130 and 180-79-135:

All candidates shall provide evidence that they have completed three years of service in an educational setting, at least two years of which shall be as a classroom teacher in grades K-12:

(b) Administrators:

(i) Out-of-state candidates for any administrative certificate who meet requirements for continuing certification as set forth in WAC 180-75-085 and 180-79-120 and who have verification from previous supervisors or instructors that they meet the relevant minimum generic standards set forth in WAC 180-79-130 and 180-79-150, 180-79-155, or 180-79-160 shall be issued a continuing certificate:

(ii) Out-of-state candidates who have not completed all requirements for continuing certification as outlined in section (b)(i) above shall proceed as follows:

(A) Out-of-state candidates who elect to complete the continuing certificate out-of-state. Candidates shall be assisted by SPI and shall meet all requirements for out-of-state candidates set forth in (2)(b)(i) above:

(B) Out-of-state candidates who elect to complete the continuing certificate in Washington state:

Candidates needing fifteen quarter hours or less of course work to fulfill certification requirements shall be assisted by SPI. SPI's recommendations shall be based on suggestions made by the district in which the administrative candidate serves:

Candidates needing more than fifteen quarter hours of course work, or needing to meet degree requirements shall be referred to an in-state institution which has an approved program to prepare persons for the respective administrative certificate.

All candidates shall provide verification from supervisors or instructors that they meet the minimum generic standards for continuing certification set forth in WAC 180-79-130 and 180-79-150, 180-79-155, or 180-79-160.

All candidates shall provide evidence that they have completed three years of service in the respective administrative role as set forth in WAC 180-79-120.

(c) Educational staff associate. All candidates for continuing certification shall be referred to an in-state approved program for assistance and verification of minimum generic standards. PROVIDED, That any out-of-state candidate who through no fault of his or her own is unable to gain admission to or review by a state board of education approved program relevant to his or her certification within a reasonable period may request that the superintendent of public instruction or his or her designee issue a continuing certificate on verification from an out-of-state college or university having a state approved preparation and certification program in the specialization and from previous supervisors that relevant academic and experience requirements and continuing level generic standards set forth in this chapter have been demonstrated within the seven-year period immediately preceding application for the certificate in Washington state or the applicant shall complete recency requirement set forth in WAC 180-79-065(3)) evidence of complying with the academic and experience requirements within this chapter for continuing certification in the state of Washington.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-79-013 NOTICE TO PROSPECTIVE CANDIDATES FOR CERTIFICATION.

WAC 180-79-014 WASHINGTON STATE PROFESSIONAL CERTIFICATION EXAMINATION—SPI DEVELOPMENT.

WAC 180-79-100 PERSONNEL ASSIGNMENT—EXPIRES AUGUST 31, 1987.

WAC 180-79-130 MINIMUM GENERIC STANDARDS—GENERAL.

WAC 180-79-135 MINIMUM GENERIC STANDARDS—TEACHERS.

WAC 180-79-150 ROLE AND MINIMUM GENERIC STANDARDS—ADMINISTRATORS—INITIAL CERTIFICATION—SUPERINTENDENTS.

WAC 180-79-155 ROLE AND MINIMUM GENERIC STANDARDS—ADMINISTRATORS—INITIAL CERTIFICATION—PRINCIPALS.

WAC 180-79-160 ROLE AND MINIMUM GENERIC STANDARDS—ADMINISTRATORS—INITIAL CERTIFICATION—PROGRAM ADMINISTRATORS.

WAC 180-79-170 MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATES—GENERAL.

WAC 180-79-175 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—INITIAL CERTIFICATION—COMMUNICATION DISORDERS SPECIALISTS (CDS).

WAC 180-79-185 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—OCCUPATIONAL THERAPIST (OT).

WAC 180-79-190 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—PHYSICAL THERAPIST (PT).

WAC 180-79-195 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—SCHOOL PSYCHOLOGIST.

WAC 180-79-200 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—READING RESOURCE SPECIALIST.

WAC 180-79-205 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—SCHOOL NURSE.

WAC 180-79-210 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—SCHOOL SOCIAL WORKER.

WAC 180-79-215 MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATE—CONTINUING CERTIFICATION.

WAC 180-79-250 DEGREE AND PREPARATION REQUIRED FOR OUT-OF-STATE CANDIDATES FOR INITIAL CERTIFICATION.

#### WSR 87-22-109

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning teacher education and certification, chapter 180-80 WAC;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 10, 1987.

Dated: November 3, 1987

By: Monica Schmidt  
Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-80 WAC.

Rule Section(s): WAC 180-80-205, 180-80-210, 180-80-215, 180-80-280, 180-80-285, 180-80-290, 180-80-295, 180-80-300, 180-80-301, 180-80-302, 180-80-303, 180-80-312, 180-80-530 and 180-80-705.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): [No information supplied by agency.]

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): Repeals outdated certification requirements.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Dr. Charles Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-80-205 WASHINGTON PROGRAM OF TEACHER EDUCATION—PROVISIONAL AND STANDARD CERTIFICATES.

WAC 180-80-210 WASHINGTON PROGRAM OF TEACHER EDUCATION—PROVISIONAL CERTIFICATE.

WAC 180-80-215 WASHINGTON PROGRAM OF TEACHER EDUCATION—STANDARD CERTIFICATE.

WAC 180-80-280 ADMINISTRATORS' CREDENTIALS—REQUIREMENTS—TYPES—EFFECTIVE DATE—INTERPRETATION OF STANDARDS.

WAC 180-80-285 ADMINISTRATORS' CREDENTIALS—CREDIT HOUR AND DEGREE REQUIREMENTS.

WAC 180-80-290 ADMINISTRATORS' CREDENTIALS—STUDY PROGRAM—PRINCIPALS' CREDENTIALS.

WAC 180-80-295 ADMINISTRATORS' CREDENTIALS—STUDY PROGRAM—SUPERINTENDENT'S CREDENTIALS.

WAC 180-80-300 ADMINISTRATORS' CREDENTIALS—EXPERIENCE REQUIREMENTS.

WAC 180-80-301 ADMINISTRATORS' CREDENTIALS—TEACHER'S CERTIFICATE A PREREQUISITE.

WAC 180-80-302 ADMINISTRATORS' CREDENTIALS—GENERAL REQUIREMENTS FOR DETERMINATION OF APPLICANT ELIGIBILITY.

WAC 180-80-303 ADMINISTRATORS' CREDENTIALS—ADMINISTRATIVE POSITIONS AUTHORIZED.

WAC 180-80-312 ADMINISTRATORS' CREDENTIALS—PERIOD OF VALIDITY AND REINSTATEMENT OF CREDENTIALS.

WAC 180-80-530 GUIDELINES AND STANDARDS FOR PROGRAMS OF PREPARATION LEADING TO TEACHER CERTIFICATION—PRESERVICE PROGRAM.

WAC 180-80-705 GUIDELINES AND STANDARDS FOR DEVELOPMENT AND APPROVAL OF PROGRAMS OF PREPARATION—CERTIFICATION.

### WSR 87-22-110

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning specialized personnel standards, chapter 180-84 WAC;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 10, 1987.

Dated: November 3, 1987

By: Monica Schmidt  
Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-84 WAC.

Rule Section(s): WAC 180-84-015, 180-84-020, 180-84-025, 180-84-050, 180-84-055, 180-84-060, 180-84-075, 180-84-080 and 180-84-090.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): [No information supplied by agency.]

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): Repeals outdated certification requirements.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Dr. Charles Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-84-015 CERTIFICATION OF SCHOOL PSYCHOLOGISTS—ROLE AND FUNCTION.

WAC 180-84-020 CERTIFICATION OF SCHOOL PSYCHOLOGISTS—CERTIFICATION REQUIREMENTS.

WAC 180-84-025 CERTIFICATION OF SCHOOL PSYCHOLOGISTS—ACADEMIC REQUIREMENTS.

WAC 180-84-050 CERTIFICATION OF SCHOOL SOCIAL WORKERS—ROLE AND FUNCTION.

WAC 180-84-055 CERTIFICATION OF SCHOOL SOCIAL WORKERS—EDUCATIONAL REQUIREMENTS.

WAC 180-84-060 CERTIFICATION OF SCHOOL SOCIAL WORKERS—CERTIFICATION REQUIREMENTS.

WAC 180-84-075 CERTIFICATION OF SCHOOL NURSES—ROLE AND FUNCTION.

WAC 180-84-080 CERTIFICATION OF SCHOOL NURSES—RECOMMENDATION AS TO NURSING SPECIALIZATION.

WAC 180-84-090 CERTIFICATION OF SCHOOL NURSES—CERTIFICATION REQUIREMENTS.

### WSR 87-22-111

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed November 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional certification—Continuing education requirement, chapter 180-85 WAC;

that the agency will at 9:00 a.m., Thursday, December 10, 1987, in the Spokane Convention Center, Conference Rooms B-C-D, 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 Friday, December 11, 1987.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 11, 1987.

Dated: November 3, 1987  
By: Monica Schmidt  
Secretary

### STATEMENT OF PURPOSE

Rule: Chapter 180-85 WAC.

Rule Section(s): WAC 180-85-030, 180-85-045, 180-85-085, 180-85-200, 180-85-202 and 180-85-205.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): To set forth standards for certification of professional educators.

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): Comprehensive revision of certification standards.

Section Analysis: WAC 180-85-030 specifies what is not included within continuing education hours, and clarifies rounding of fractions of continuing education hours; 180-85-045 sets composition of advisory committee for district committees; 180-85-085 sets forth individual's responsibility in maintenance of personnel records; 180-85-200 eliminates documentation of need for program, clarifies content to be specified in program agenda, eliminates documentation of adequacy of physical facility, establishes policy for monitoring by Superintendent of Public Instruction, and requires in-service provider to issue appropriate forms; 180-85-202 sets forth procedure for notifying Superintendent of Public Instruction of scheduled in-service programs; and 180-85-205 eliminates certain documentation, clarifies application of section, and states that documentation changes are retroactive.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Dr. Charles Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

### AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-030 CONTINUING EDUCATION CREDIT HOUR—DEFINITION. As used in this chapter, the term "continuing education credit hour" shall mean:

(1) For each college or university semester hour credit, fifteen hours of continuing education credit hours shall be granted.

(2) For each college or university quarter hour credit, ten hours of continuing education credit hours shall be granted.

(3) For each sixty minutes of approved in-service education including reasonable time for breaks, and passing time and organized meals if such meals are included within the planned in-service education program, one continuing education credit hour shall be granted. In the application of this subsection, the in-service education provider shall determine what is reasonable and what is within the planned in-service education program.

(4) In the application of this section, approved in-service credit hours shall not include:

(a) Routine staff meetings, such as district, building, or area meetings within an agency, district, or building, to discuss or explain operational policies or administrative practices within the agency, district, or building;

(b) Business meetings of professional associations to discuss operational policies or practices of the association;

(c) Breaks, passing time, organized meal time, or other recesses held within an in-service program if such time exceeds one hour per each five hours (i.e., twenty percent) of approved continuing education hours.

(5) In the application of this section, for the purpose of official records of the amount of in-service credit hours, the in-service provider or the superintendent of public instruction shall round continuing education credit hours down to the nearest half hour of credits actually completed—i.e., .50, and .00—and in no case shall an applicant receive credit for an in-service program that was less than a total of three continuing education credit hours.

### AMENDATORY SECTION (Amending Order 5-87, filed 4/3/87)

WAC 180-85-045 APPROVED IN-SERVICE EDUCATION AGENCY—DEFINITION. As used in this chapter, the term "approved in-service education agency" shall mean an agency approved by the state board of education to provide in-service education programs and to grant continuing education credit hours to all or a selective group of educators. Such agency must demonstrate the following characteristics:

(1) The agency is one of the following entities or a department or section within such entities:

(a) A college or university referenced in WAC 180-85-025(1);

(b) A professional organization which for the purpose of this chapter shall mean any local, state, regional, or national organization composed primarily of teachers, administrators, and/or educational staff associates;

(c) A school district, an educational service district, and the superintendent of public instruction; or

(d) An approved private school which for the purpose of this chapter shall mean the same as provided in WAC 180-90-112.

(2) The agency has either a committee or board of directors which provides prior approval to proposed in-service education programs that are designed to meet the program standards set forth in WAC 180-85-200. In the case of school districts or educational service districts the committee shall be composed of the same representatives as required by RCW 28A.71.210—i.e., "representatives from the ranks of administrators, building principals, teachers, classified and support personnel . . . , the public . . . , and . . . institution(s) of higher education, . . ."

### NEW SECTION

WAC 180-85-085 IN-SERVICE EDUCATION RECORDS. Holders of certificates affected by this chapter who do not claim credit pursuant to WAC 180-85-080 for the same in-service education program shall cause the transmission to the superintendent of public instruction, on forms provided or approved by the superintendent of public instruction and distributed to registrants by the in-service provider, of the necessary information to claim continuing education credit hours. Such holders shall be notified on such form that the intentional misrepresentation of a material fact on such form subjects the holder to revocation of his or her certificate pursuant to chapter 180-79 WAC and that a copy of such completed form should be retained by the holder for possible disputes arising under this chapter and for other purposes that may arise, including verification of in-service hours completed for a current or prospective employer.

### AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-200 IN-SERVICE EDUCATION APPROVAL STANDARDS. In-service education programs provided by approved in-service education agencies shall meet the following program standards:

(1) ~~((The basis for determination of need for a particular in-service education program shall be documented.~~

~~((2))~~ The objectives of the in-service program—i.e., intended outcomes—shall be written for each in-service education program.

~~((3))~~ (2) The content of the in-service education program shall ~~((include applicable current research and/or application of established professional practices))~~ be set forth in a program agenda which shall specify the topics to be covered, the days and times of each presentation, and the names and qualifications of each instructor.

~~((4))~~ (3) All in-service education instructors shall have academic and/or professional experience which specifically qualifies them to

conduct the in-service education program—e.g., a person with expertise in a particular subject, field, or occupation.

~~((5))~~ (4) Program materials, including the program agenda, prepared, designed, or selected for the in-service education program shall be available to all attendees.

~~((6))~~ The physical facility, including necessary equipment, for the in-service education program shall be chosen to meet the needs of all participants.

~~((7))~~ (5) The in-service education program shall be evaluated by the participants to determine the success of the program, including the following:

(a) The extent to which the written objectives—i.e., subsection ~~((2))~~ (1) of this section—have been met;

(b) The quality of the physical facilities in which the program was offered;

(c) The quality of the oral presentation by each instructor;

(d) The quality of the written program materials provided by each instructor; and

(e) Suggestions for improving the in-service education program if repeated.

~~((8))~~ (6) The in-service education agency shall compile the evaluations required in subsection ~~((7))~~ (5) of this section in summary form.

~~((9))~~ (7) The designated administrator of each in-service education program shall assess the value and success of such program and periodically report his or her findings to the governing or advisory board which authorized the in-service program.

~~((10))~~ (8) The standards for recordkeeping as provided in WAC 180-85-205 shall apply.

(9) The in-service education agency must permit a designated representative of the superintendent of public instruction to attend the in-service education program at no charge and permit such representative to receive a copy of the program materials required by subsection (4) of this section also at no charge.

(10) The in-service education agency must provide each registrant with appropriate forms for claiming continuing education credit hours.

#### NEW SECTION

WAC 180-85-202 PRIOR NOTICE TO SPI OF SPONSORSHIP OF AN IN-SERVICE PROGRAM. Prior to the offering of an in-service education program by an approved in-service education agency, such agency shall submit to the superintendent of public instruction, at least thirty calendar days prior to such offering, a notice of sponsorship, on forms provided by the superintendent of public instruction. The notice of sponsorship shall contain the following information:

(1) The written objectives of the in-service program as required by WAC 180-85-200(1).

(2) The program agenda for the in-service program as required by WAC 180-85-200(2).

(3) The evaluation form as required by WAC 180-85-200(5).

(4) PROVIDED, That a single application shall be sufficient for an in-service program that is held at different sites for different registrants during the same school year as long as such multiple offerings are noted on the application form and any application may be amended to note an additional site if submitted to the superintendent of public instruction at least ten calendar days prior to such offering.

(5) PROVIDED FURTHER, That, if the superintendent of public instruction reviews such notice of sponsorship and advises the in-service education agency of deficiencies, such deficiencies must be remedied prior to the offering of the in-service program or the program offering shall be disapproved.

#### AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-205 REQUIRED RECORDKEEPING BY APPROVED IN-SERVICE EDUCATION AGENCIES. Each approved in-service education agency shall provide the following record service:

(1) Documentation that the in-service education program received the prior approval by the board or committee provided in WAC 180-85-045(2).

~~(2) Documentation that each program standard required in WAC 180-85-200 has been met for each in-service education program including the following:~~

~~(a) A copy of the needs statement required by WAC 180-85-200(+);~~

~~(b) A copy of the written objectives required by WAC 180-85-200(2);~~

~~(c) A copy of the program agenda which shall reflect the content required by WAC 180-85-200(3) and shall demonstrate compliance with the calculation of continuing education credit hours in accordance with the definition prescribed in WAC 180-85-030(3);~~

~~(d) A summary of the academic and/or professional experience of each in-service education instructor in sufficient detail to demonstrate compliance with WAC 180-85-100(4);~~

~~(e) A copy of all program materials available to attendees as required by WAC 180-85-200(5);~~

~~(f) A statement of the type of physical facilities, including necessary equipment, and why such facilities and equipment were anticipated to meet the needs of all participants as required by WAC 180-85-200((6));~~

~~(g) A copy of the form used to conduct the evaluations required by WAC 180-85-200(7);~~

~~((h))~~ A copy of the summary of evaluations required by WAC 180-85-200(~~((8))~~) (5); and

~~((i))~~ (3) A copy of the minutes of the board or advisory committee which demonstrates that such board or advisory committee reviewed the assessment required by WAC 180-85-200(~~((9))~~) (6).

~~((j))~~ (4) A list, for each in-service education program, of all participants who have requested continuing education credit hours by signing a registration form made available at the in-service education program. Such registration form shall provide space for the registrant to indicate he or she is requesting fewer hours than the amount calculated for the entire in-service education program due to partial attendance.

~~((k))~~ (5) The name, certification number, the number of continuing education credits granted for each registrant of an in-service education program who is claiming continuing education credit hours for certification purposes, and the date, title, and sponsor of each in-service program shall be transmitted to the superintendent of public instruction or his or her designated recordkeeping agency within forty-five days of the completion of all or a portion of each in-service education program.

~~((l))~~ (6) The registrant claiming continuing education credit hours shall be provided evidence of attendance at the in-service education program within forty-five days of completion of the in-service education program and upon request if such request is made within seven calendar years of such in-service education program, including the number of continuing education credit hours granted and reported pursuant to subsection ~~((4))~~ (5) of this section. In addition, the registrant shall be given specific instructions regarding the need to preserve the record and how to correct the record if attendance or credit hours has been reported by the approved in-service education agency inaccurately.

~~((m))~~ (7) The above records shall be available for inspection by the superintendent of public instruction for a period of seven calendar years from the date of each in-service education program. The amendments to this section reducing the amount of recordkeeping by in-service providers shall apply retroactively to August 31, 1987.



**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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173-304-440	AMD-W 87-05-035	173-440-040	NEW 87-19-076	174-12-060	REP-E 87-22-003
173-304-440	AMD-P 87-05-054	173-440-100	NEW-P 87-15-117	174-12-990	REP-P 87-21-071
173-304-440	AMD-C 87-08-060	173-440-100	NEW 87-19-076	174-12-990	REP-E 87-22-003
173-304-440	AMD-W 87-11-038	173-440-900	NEW-P 87-15-117	174-12-99001	REP-P 87-21-071
173-304-450	AMD-P 87-14-060	173-440-900	NEW 87-19-076	174-12-99001	REP-E 87-22-003
173-304-450	AMD-W 87-20-069	173-450-010	NEW-P 87-15-118	174-12-99002	REP-P 87-21-071
173-304-460	AMD-P 87-14-060	173-450-010	NEW 87-19-077	174-12-99002	REP-E 87-22-003
173-304-460	AMD-W 87-20-069	173-450-020	NEW-P 87-15-118	174-104-010	REP-P 87-21-071
173-304-467	NEW-P 87-13-067	173-450-020	NEW 87-19-077	174-104-010	REP-E 87-22-003
173-304-467	NEW-P 87-14-060	173-450-030	NEW-P 87-15-118	174-104-020	REP-P 87-21-071
173-304-467	NEW-W 87-20-069	173-450-030	NEW 87-19-077	174-104-020	REP-E 87-22-003
173-304-600	AMD-P 87-14-060	173-450-040	NEW-P 87-15-118	174-107-261	NEW-E 87-03-038
173-304-600	AMD-W 87-20-069	173-450-040	NEW 87-19-077	174-108-010	REP-P 87-21-071
173-326-010	NEW-E 87-05-032	173-450-050	NEW-P 87-15-118	174-108-010	REP-E 87-22-003
173-326-010	NEW-P 87-11-028	173-450-050	NEW 87-19-077	174-108-020	REP-P 87-21-071
173-326-010	NEW-E 87-11-029	173-450-060	NEW-P 87-15-118	174-108-020	REP-E 87-22-003
173-326-010	NEW 87-14-078	173-450-060	NEW 87-19-077	174-108-030	REP-P 87-21-071
173-326-020	NEW-E 87-05-032	173-450-070	NEW-P 87-15-118	174-108-030	REP-E 87-22-003
173-326-020	NEW-P 87-11-028	173-450-070	NEW 87-19-077	174-108-041	REP-P 87-21-071
173-326-020	NEW-E 87-11-029	173-450-080	NEW-P 87-15-118	174-108-041	REP-E 87-22-003
173-326-020	NEW 87-14-078	173-450-080	NEW 87-19-077	174-108-051	REP-P 87-21-071
173-326-030	NEW-E 87-05-032	173-450-090	NEW-P 87-15-118	174-108-051	REP-E 87-22-003
173-326-030	NEW-P 87-11-028	173-450-090	NEW 87-19-077	174-108-06001	REP-P 87-21-071
173-326-030	NEW-E 87-11-029	173-450-100	NEW-P 87-15-118	174-108-06001	REP-E 87-22-003
173-326-030	NEW 87-14-078	173-450-100	NEW 87-19-077	174-108-06003	REP-P 87-21-071
173-326-040	NEW-E 87-05-032	173-470-010	NEW-P 87-15-119	174-108-06003	REP-E 87-22-003
173-326-040	NEW-P 87-11-028	173-470-010	NEW 87-19-080	174-108-06005	REP-P 87-21-071
173-326-040	NEW-E 87-11-029	173-470-020	NEW-P 87-15-119	174-108-06005	REP-E 87-22-003
173-326-040	NEW 87-14-078	173-470-020	NEW 87-19-080	174-108-06007	REP-P 87-21-071
173-400-105	NEW-P 87-15-114	173-470-030	NEW-P 87-15-119	174-108-06007	REP-E 87-22-003
173-400-105	NEW 87-20-019	173-470-030	NEW 87-19-080	174-108-06009	REP-P 87-21-071
173-403-030	AMD-P 87-15-115	173-470-100	NEW-P 87-15-119	174-108-06009	REP-E 87-22-003
173-403-030	AMD 87-19-074	173-470-100	NEW 87-19-080	174-108-06011	REP-P 87-21-071
173-405-045	NEW-P 87-22-066	173-470-110	NEW-P 87-15-119	174-108-06011	REP-E 87-22-003
173-405-087	NEW-P 87-22-066	173-470-110	NEW 87-19-080	174-108-07001	REP-P 87-21-071
173-410-045	NEW-P 87-22-066	173-470-150	NEW-P 87-15-119	174-108-07001	REP-E 87-22-003





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180-79-340	NEW 87-09-012	180-84-055	REP-P 87-22-110	192-23-810	AMD-P 87-08-049
180-79-342	NEW-P 87-05-050	180-84-060	REP-P 87-22-110	192-23-810	AMD 87-12-021
180-79-342	NEW 87-09-012	180-84-075	REP-P 87-22-110	196-08-085	REP-P 87-08-052
180-79-344	NEW-P 87-05-050	180-84-080	REP-P 87-22-110	196-08-085	REP 87-13-005
180-79-344	NEW 87-09-012	180-84-090	REP-P 87-22-110	196-12-010	AMD-P 87-08-052
180-79-346	NEW-P 87-05-050	180-85-020	AMD-P 87-09-094	196-12-010	AMD 87-13-005
180-79-346	NEW 87-09-012	180-85-020	AMD 87-12-041	196-12-020	AMD-P 87-08-052
180-79-348	NEW-P 87-05-050	180-85-030	AMD-P 87-22-111	196-12-020	AMD 87-13-005
180-79-348	NEW 87-09-012	180-85-045	AMD-P 87-05-051	196-16-007	AMD-P 87-08-052
180-79-350	NEW-P 87-05-050	180-85-045	AMD 87-09-013	196-16-007	AMD 87-13-005
180-79-350	NEW 87-09-012	180-85-045	AMD-P 87-22-111	196-16-010	AMD-P 87-08-052
180-79-352	NEW-P 87-05-050	180-85-085	NEW-P 87-22-111	196-16-010	AMD 87-13-005
180-79-352	NEW 87-09-012	180-85-200	AMD-P 87-22-111	196-20-020	AMD-P 87-08-052
180-79-354	NEW-P 87-05-050	180-85-202	NEW-P 87-22-111	196-20-020	AMD 87-13-005
180-79-354	NEW 87-09-012	180-85-205	AMD-P 87-22-111	196-20-030	AMD-P 87-08-052
180-79-356	NEW-P 87-05-050	180-85-220	AMD-P 87-05-051	196-20-030	AMD 87-13-005
180-79-356	NEW 87-09-012	180-85-220	AMD 87-09-013	196-24-050	AMD-P 87-08-052
180-79-358	NEW-P 87-05-050	180-85-225	AMD-P 87-05-051	196-24-050	AMD 87-13-005
180-79-358	NEW 87-09-012	180-85-225	AMD 87-09-013	196-24-070	REP-P 87-08-052
180-79-360	NEW-P 87-05-050	180-90-125	NEW-P 87-05-052	196-24-070	REP 87-13-005
180-79-360	NEW 87-09-012	180-90-125	NEW 87-09-039	196-24-085	AMD-P 87-08-052
180-79-362	NEW-P 87-05-050	180-90-141	NEW-P 87-05-052	196-24-085	AMD 87-13-005
180-79-362	NEW 87-09-012	180-90-141	NEW 87-09-039	196-24-100	NEW-P 87-08-052
180-79-364	NEW-P 87-05-050	180-90-160	AMD-P 87-05-052	196-24-100	NEW 87-13-005
180-79-364	NEW 87-09-012	180-90-160	AMD 87-09-039	196-24-105	NEW-P 87-08-052
180-79-366	NEW-P 87-05-050	182-08-060	AMD-E 87-11-003	196-24-105	NEW 87-13-005
180-79-366	NEW 87-09-012	182-08-060	AMD-E 87-14-004	196-24-110	NEW-P 87-08-052
180-79-368	NEW-P 87-05-050	182-08-060	AMD-P 87-15-025	196-24-110	NEW 87-13-005
180-79-368	NEW 87-09-012	182-08-060	AMD-E 87-19-013	196-26-010	REP-P 87-07-046
180-79-370	NEW-P 87-05-050	182-08-060	AMD-C 87-19-031	196-26-010	REP-P 87-13-057
180-79-370	NEW 87-09-012	182-08-060	AMD 87-21-069	196-26-010	REP-E 87-14-088
180-79-372	NEW-P 87-05-050	182-12-126	REP-E 87-11-003	196-26-010	REP 87-18-031
180-79-372	NEW 87-09-012	182-12-126	REP-E 87-14-004	196-26-020	NEW-P 87-07-046
180-79-374	NEW-P 87-05-050	182-12-126	REP-P 87-15-025	196-26-020	NEW-P 87-13-057
180-79-374	NEW 87-09-012	182-12-126	REP-E 87-19-013	196-26-020	NEW-E 87-14-088
180-79-376	NEW-P 87-05-050	182-12-126	REP-C 87-19-031	196-26-020	NEW 87-18-031
180-79-376	NEW 87-09-012	182-12-126	REP 87-21-069	196-27-020	AMD-P 87-08-052
180-79-378	NEW-P 87-05-050	182-12-127	NEW-E 87-11-003	196-27-020	AMD 87-13-005
180-79-378	NEW 87-09-012	182-12-127	NEW-E 87-14-004	204-08-010	AMD-P 87-13-034
180-79-380	NEW-P 87-05-050	182-12-127	NEW-P 87-15-025	204-08-010	AMD 87-16-032
180-79-380	NEW 87-09-012	182-12-127	NEW-E 87-19-013	204-41-035	NEW-P 87-18-021
180-79-382	NEW-P 87-05-050	182-12-127	NEW-C 87-19-031	204-41-035	NEW-W 87-20-055
180-79-382	NEW 87-09-012	182-12-127	NEW 87-21-069	204-50-010	NEW-P 87-22-058
180-79-384	NEW-P 87-05-050	182-12-210	AMD-E 87-04-016	204-50-020	NEW-P 87-22-058
180-79-384	NEW 87-09-012	182-12-210	AMD-P 87-04-039	204-50-030	NEW-P 87-22-058
180-79-386	NEW-P 87-05-050	182-12-210	AMD 87-07-034	204-50-040	NEW-P 87-22-058
180-79-386	NEW 87-09-012	192-09-064	NEW-E 87-15-026	204-50-050	NEW-P 87-22-058
180-79-388	NEW-P 87-05-050	192-12-005	NEW-P 87-08-049	204-50-060	NEW-P 87-22-058
180-79-388	NEW 87-09-012	192-12-005	NEW 87-12-021	204-50-070	NEW-P 87-22-058
180-79-390	NEW-P 87-05-050	192-12-011	NEW-P 87-08-049	204-50-080	NEW-P 87-22-058
180-79-390	NEW 87-09-012	192-12-011	NEW 87-12-021	204-50-090	NEW-P 87-22-058
180-79-392	NEW-P 87-05-050	192-12-012	NEW-P 87-08-049	204-50-110	NEW-P 87-22-058
180-79-392	NEW 87-09-012	192-12-012	NEW 87-12-021	204-50-120	NEW-P 87-22-058
180-79-394	NEW-P 87-05-050	192-12-042	AMD-P 87-16-052	204-50-130	NEW-P 87-22-058
180-79-394	NEW 87-09-012	192-12-042	AMD 87-21-002	204-65-010	NEW 87-04-065
180-79-396	NEW-P 87-05-050	192-12-115	AMD-P 87-19-144	204-65-020	NEW 87-04-065
180-79-396	NEW 87-09-012	192-12-115	AMD-E 87-19-145	204-65-030	NEW 87-04-065
180-79-398	NEW-P 87-05-050	192-12-141	AMD-P 87-08-049	204-65-040	NEW 87-04-065
180-79-398	NEW 87-09-012	192-12-141	AMD 87-12-021	204-65-050	NEW 87-04-065
180-80-205	REP-P 87-22-109	192-12-158	NEW 87-03-006	204-65-060	NEW 87-04-065
180-80-210	REP-P 87-22-109	192-23	AMD-P 87-08-049	204-76-99001	AMD-P 87-15-078
180-80-215	REP-P 87-22-109	192-23	AMD 87-12-021	204-76-99002	AMD-P 87-15-078
180-80-280	REP-P 87-22-109	192-23-011	AMD-P 87-08-049	204-76-99005	NEW-P 87-15-078
180-80-285	REP-P 87-22-109	192-23-011	AMD 87-12-021	204-90-030	AMD-P 87-15-077
180-80-290	REP-P 87-22-109	192-23-012	AMD-P 87-08-049	204-91-050	AMD-P 87-13-048
180-80-295	REP-P 87-22-109	192-23-012	AMD 87-12-021	204-91-050	AMD 87-16-033
180-80-300	REP-P 87-22-109	192-23-014	AMD-P 87-08-049	204-91-060	AMD-P 87-13-048
180-80-301	REP-P 87-22-109	192-23-014	AMD 87-12-021	204-91-060	AMD 87-16-033
180-80-302	REP-P 87-22-109	192-23-015	AMD-W 87-08-049	212-32-015	AMD-P 87-14-075
180-80-303	REP-P 87-22-109	192-23-016	AMD-P 87-08-049	212-32-015	AMD 87-18-067
180-80-312	REP-P 87-22-109	192-23-016	AMD 87-12-021	212-51-001	NEW-P 87-03-053
180-80-530	REP-P 87-22-109	192-23-018	NEW-P 87-08-049	212-51-001	NEW 87-06-044
180-80-705	REP-P 87-22-109	192-23-018	NEW 87-12-021	212-51-005	NEW-P 87-03-053
180-84-015	REP-P 87-22-110	192-23-051	AMD-P 87-08-049	212-51-005	NEW 87-06-044
180-84-020	REP-P 87-22-110	192-23-051	AMD 87-12-021	212-51-010	NEW-P 87-03-053
180-84-025	REP-P 87-22-110	192-23-800	AMD-P 87-08-049	212-51-010	NEW 87-06-044







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220-57-13500K	NEW-E	87-22-041	220-57-31900C	REP-E	87-21-032	220-57A-180	AMD	87-09-066
220-57-138	AMD-P	87-03-056	220-57-31900D	NEW-E	87-21-032	220-69-238	NEW-P	87-21-098
220-57-14000F	NEW-E	87-20-028	220-57-335	AMD-P	87-03-056	220-69-245	AMD-P	87-21-098
220-57-155	AMD-P	87-03-056	220-57-335	AMD	87-09-066	220-69-247	AMD-P	87-21-098
220-57-155	AMD	87-09-066	220-57-33500B	NEW-E	87-19-029	220-76-030	REP-P	87-04-071
220-57-15500G	NEW-E	87-21-034	220-57-37000C	NEW-E	87-17-071	220-77-010	NEW-P	87-04-071
220-57-160	AMD-P	87-03-056	220-57-37700A	NEW-E	87-21-034	220-77-010	NEW	87-08-033
220-57-160	AMD	87-09-066	220-57-380	AMD-P	87-03-056	220-77-020	NEW-P	87-04-071
220-57-16000F	NEW-E	87-07-011	220-57-380	AMD	87-09-066	220-77-020	NEW	87-08-033
220-57-16000G	NEW-E	87-17-028	220-57-385	AMD-P	87-03-056	220-77-030	NEW-P	87-04-071
220-57-16000G	REP-E	87-18-043	220-57-385	AMD	87-09-066	220-77-030	NEW	87-08-033
220-57-16000H	NEW-E	87-18-043	220-57-38500L	NEW-E	87-13-024	220-77-040	NEW-P	87-04-071
220-57-16000H	REP-E	87-18-070	220-57-38500L	REP-E	87-15-061	220-77-040	NEW	87-08-033
220-57-16000I	NEW-E	87-18-070	220-57-38500M	NEW-E	87-15-061	220-77-050	NEW-P	87-04-071
220-57-16000I	REP-E	87-19-005	220-57-38500M	REP-E	87-18-043	220-77-050	NEW	87-08-033
220-57-16000J	NEW-E	87-19-005	220-57-38500N	NEW-E	87-18-043	220-77-060	NEW-P	87-04-071
220-57-16000J	REP-E	87-21-023	220-57-38500N	REP-E	87-22-041	220-77-060	NEW	87-08-033
220-57-16000K	NEW-E	87-21-023	220-57-38500P	NEW-E	87-22-041	220-77-070	NEW-P	87-04-071
220-57-16000K	REP-E	87-21-032	220-57-40500F	NEW-E	87-21-044	220-77-070	NEW	87-08-033
220-57-16000L	NEW-E	87-21-032	220-57-40500F	REP-E	87-21-050	220-87-010	NEW	87-04-003
220-57-16000M	NEW-E	87-21-053	220-57-40500G	NEW-E	87-21-050	220-87-020	NEW	87-04-003
220-57-175	AMD-P	87-03-056	220-57-410	AMD-P	87-03-056	220-110-010	AMD-P	87-08-062
220-57-175	AMD	87-09-066	220-57-410	AMD	87-09-066	220-110-010	AMD	87-15-086
220-57-17500Q	NEW-E	87-21-023	220-57-41000B	NEW-E	87-21-044	220-110-020	AMD-P	87-08-062
220-57-17500Q	REP-E	87-21-032	220-57-41000B	REP-E	87-21-050	220-110-020	AMD	87-15-086
220-57-17500R	NEW-E	87-21-032	220-57-41000C	NEW-E	87-21-050	220-110-030	AMD-P	87-08-062
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220-57-17500S	NEW-E	87-21-099	220-57-415	AMD	87-09-066	220-110-040	AMD-P	87-08-062
220-57-20000C	NEW-E	87-18-043	220-57-42500J	NEW-E	87-14-003	220-110-040	AMD	87-15-086
220-57-20000C	REP-E	87-22-041	220-57-42500J	REP-E	87-18-059	220-110-050	AMD-P	87-08-062
220-57-20000D	NEW-E	87-22-041	220-57-42500K	NEW-E	87-18-059	220-110-050	AMD	87-15-086
220-57-215	AMD-P	87-03-056	220-57-42500K	REP-E	87-19-037	220-110-060	AMD-P	87-08-062
220-57-215	AMD	87-09-066	220-57-42500L	NEW-E	87-19-037	220-110-060	AMD	87-15-086
220-57-220	AMD-P	87-03-056	220-57-445	AMD-P	87-03-056	220-110-080	AMD-P	87-08-062
220-57-220	AMD	87-09-066	220-57-445	AMD	87-09-066	220-110-080	AMD	87-15-086
220-57-22000B	NEW-E	87-20-005	220-57-445	AMD	87-09-066	220-110-090	AMD-P	87-08-062
220-57-23000C	NEW-E	87-20-028	220-57-45000F	NEW-E	87-17-071	220-110-090	AMD	87-15-086
220-57-235	AMD-P	87-03-056	220-57-460	AMD-P	87-03-056	220-110-100	AMD-P	87-08-062
220-57-235	AMD	87-09-066	220-57-460	AMD	87-09-066	220-110-100	AMD	87-15-086
220-57-23500B	NEW-E	87-21-023	220-57-46000Q	NEW-E	87-13-006	220-110-100	AMD	87-15-086
220-57-23500B	REP-E	87-21-032	220-57-46000Q	REP-E	87-13-024	220-110-110	AMD-P	87-08-062
220-57-23500C	NEW-E	87-21-032	220-57-46000R	NEW-E	87-13-024	220-110-110	AMD	87-15-086
220-57-240	AMD-P	87-03-056	220-57-46000R	REP-E	87-14-033	220-110-120	AMD-P	87-08-062
220-57-240	AMD	87-09-066	220-57-46000S	NEW-E	87-14-033	220-110-120	AMD	87-15-086
220-57-24000D	NEW-E	87-20-031	220-57-46000S	REP-E	87-18-043	220-110-140	AMD-P	87-08-062
220-57-24200B	NEW-E	87-13-011	220-57-46000T	NEW-E	87-18-043	220-110-140	AMD	87-15-086
220-57-250	AMD-P	87-03-056	220-57-46000T	REP-E	87-22-041	220-110-190	AMD-P	87-08-062
220-57-250	AMD	87-09-066	220-57-46000U	NEW-E	87-22-041	220-110-190	AMD	87-15-086
220-57-270	AMD-P	87-03-056	220-57-473	AMD-P	87-03-056	220-110-200	AMD-P	87-08-062
220-57-270	AMD	87-09-066	220-57-473	AMD	87-09-066	220-110-200	AMD	87-15-086
220-57-27000R	NEW-E	87-18-043	220-57-495	AMD-P	87-03-056	220-110-210	AMD-P	87-08-062
220-57-280	AMD-P	87-03-056	220-57-495	AMD	87-09-066	220-110-210	AMD	87-15-086
220-57-280	AMD	87-09-066	220-57-49500E	NEW-E	87-08-048	220-110-220	AMD-P	87-08-062
220-57-28500H	NEW-E	87-20-028	220-57-49500F	NEW-E	87-19-125	220-110-220	AMD	87-15-086
220-57-28500H	REP-E	87-21-044	220-57-49500F	REP-E	87-21-022	220-110-320	AMD-P	87-08-062
220-57-28500I	NEW-E	87-21-044	220-57-49500G	NEW-E	87-21-022	220-110-320	AMD	87-15-086
220-57-28500I	REP-E	87-21-050	220-57-49500H	NEW-E	87-21-023	220-110-340	AMD-P	87-08-062
220-57-28500J	NEW-E	87-21-050	220-57-49500H	REP-E	87-21-032	220-110-340	AMD	87-15-086
220-57-290	AMD-P	87-03-056	220-57-49500I	NEW-E	87-21-032	220-110-350	AMD-P	87-08-062
220-57-290	AMD	87-09-066	220-57-49500I	REP-E	87-21-099	220-110-350	AMD	87-15-086
220-57-29000I	NEW-E	87-10-016	220-57-49500J	NEW-E	87-21-099	222	AMD-C	87-15-063
220-57-300	AMD-P	87-03-056	220-57-505	AMD-P	87-03-056	222	AMD-C	87-19-002
220-57-300	AMD	87-09-066	220-57-505	AMD	87-09-066	222-08-035	NEW-P	87-10-018
220-57-310	AMD-P	87-03-056	220-57-50500L	NEW-E	87-08-048	222-08-040	AMD-P	87-10-018
220-57-310	AMD	87-09-066	220-57-50500M	NEW-E	87-09-024	222-12-030	AMD-P	87-10-018
220-57-31000F	NEW-E	87-08-048	220-57-510	AMD-P	87-03-056	222-12-040	AMD-P	87-10-018
220-57-31000G	NEW-E	87-21-023	220-57-510	AMD	87-09-066	222-12-045	NEW-P	87-10-018
220-57-31000G	REP-E	87-21-032	220-57-51000D	NEW-E	87-21-044	222-12-090	AMD-P	87-10-018
220-57-31000H	NEW-E	87-21-032	220-57-51000D	REP-E	87-21-050	222-16-010	AMD-P	87-10-018
220-57-31000H	REP-E	87-21-099	220-57-51000E	NEW-E	87-21-050	222-16-030	AMD-P	87-10-018
220-57-31000I	NEW-E	87-21-099	220-57-51500B	NEW-E	87-09-024	222-16-040	REP-P	87-10-018
220-57-315	AMD-P	87-03-056	220-57-520	AMD-P	87-03-056	222-16-050	AMD-P	87-10-018
220-57-315	AMD	87-09-066	220-57-520	AMD	87-09-066	222-20-010	AMD-P	87-10-018
220-57-31500F	NEW-E	87-09-014	220-57-525	AMD-P	87-03-056	222-20-020	AMD-P	87-10-018
220-57-31500F	REP-E	87-09-024	220-57-525	AMD	87-09-066	222-20-040	AMD-P	87-10-018
220-57-31500G	NEW-E	87-09-024	220-57A-175	AMD-P	87-03-056	222-20-060	AMD-P	87-10-018
220-57-31900C	NEW-E	87-21-023	220-57A-175	AMD	87-09-066	222-20-090	AMD-P	87-10-018
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222-24-010	AMD-P	87-10-018	230-30-075	AMD-P	87-11-011	232-28-61607	NEW-E	87-18-048
222-24-020	AMD-P	87-10-018	230-30-075	AMD-P	87-13-047	232-28-61608	NEW-E	87-17-014
222-24-025	AMD-P	87-10-018	230-30-075	AMD-C	87-17-053	232-28-61609	NEW-E	87-18-018
222-24-030	AMD-P	87-10-018	230-30-103	AMD-P	87-11-011	232-28-61610	NEW-P	87-18-078
222-24-035	AMD-P	87-10-018	230-30-103	AMD	87-15-052	232-28-61610	NEW	87-21-027
222-24-040	AMD-P	87-10-018	230-30-106	AMD-P	87-11-011	232-28-61610	NEW-E	87-21-029
222-24-050	AMD-P	87-10-018	230-30-106	AMD-P	87-11-017	232-28-61611	NEW-E	87-19-032
222-24-060	AMD-P	87-10-018	230-30-106	AMD-C	87-15-051	232-28-61612	NEW-E	87-19-109
222-30-020	AMD-P	87-10-018	230-30-106	AMD-P	87-19-055	232-28-61612	REP-E	87-19-124
222-30-030	AMD-P	87-10-018	230-30-999	REP-P	87-11-011	232-28-61613	NEW-E	87-20-012
222-30-040	AMD-P	87-10-018	230-30-999	REP	87-15-052	232-28-708	REP	87-06-027
222-30-050	AMD-P	87-10-018	230-40-401	NEW-P	87-13-046	232-28-709	NEW	87-06-027
222-30-060	AMD-P	87-10-018	230-40-401	NEW-C	87-17-053	232-28-70901	NEW-E	87-06-029
222-30-070	AMD-P	87-10-018	232-12-024	AMD-P	87-08-066	232-28-808	REP-P	87-05-031
222-30-090	AMD-P	87-10-018	232-12-024	AMD-W	87-12-072	232-28-808	REP	87-12-080
222-30-100	AMD-P	87-10-018	232-12-067	NEW-P	87-14-083	232-28-809	NEW-P	87-05-031
222-34-010	AMD-P	87-10-018	232-12-067	NEW	87-18-017	232-28-809	NEW	87-12-080
222-34-020	AMD-P	87-10-018	232-12-131	AMD-P	87-08-067	240-10-030	AMD-P	87-13-052
222-34-030	AMD-P	87-10-018	232-12-131	AMD	87-12-034	240-10-030	AMD	87-18-003
222-34-040	AMD-P	87-10-018	232-12-136	NEW-P	87-08-068	240-10-040	AMD-P	87-13-052
222-38-020	AMD-P	87-10-018	232-12-136	NEW-W	87-12-073	240-10-040	AMD	87-18-003
230-02-240	NEW-P	87-06-013	232-12-141	AMD-P	87-12-074	240-10-057	NEW-P	87-13-052
230-02-245	NEW-P	87-06-013	232-12-141	AMD	87-15-082	240-10-057	NEW	87-18-003
230-02-350	AMD-P	87-03-024	232-12-154	AMD-P	87-18-078	248-14-080	AMD	87-03-018
230-02-350	AMD	87-07-038	232-12-169	NEW-P	87-05-030	248-14-090	AMD	87-03-018
230-04-020	AMD-P	87-06-008	232-12-169	NEW	87-09-026	248-15-020	AMD-P	87-16-085
230-04-020	AMD	87-09-043	232-12-181	AMD-P	87-12-075	248-15-020	AMD	87-19-025
230-04-020	AMD	87-10-017	232-12-181	AMD-W	87-15-080	248-15-025	NEW-P	87-16-085
230-04-020	AMD-P	87-15-050	232-12-182	NEW-P	87-18-075	248-15-025	NEW	87-19-025
230-04-020	AMD-E	87-15-053	232-12-182	NEW	87-21-028	248-18-031	AMD	87-03-020
230-04-020	AMD	87-21-015	232-12-274	REP-P	87-14-081	248-18-300	AMD-P	87-20-078
230-04-123	AMD-P	87-06-008	232-12-275	NEW-P	87-14-084	248-18-312	NEW	87-03-030
230-04-123	AMD	87-09-043	232-12-275	NEW-W	87-17-032	248-18-320	REP	87-03-030
230-04-140	AMD-P	87-06-008	232-12-276	NEW-P	87-14-081	248-18-321	NEW	87-03-030
230-04-140	AMD	87-09-043	232-12-276	NEW-W	87-17-031	248-18-660	AMD-P	87-20-078
230-04-145	AMD-P	87-03-024	232-14-010	AMD-P	87-08-070	248-18-662	NEW	87-03-030
230-04-145	AMD-P	87-06-008	232-14-010	AMD	87-15-085	248-18-663	NEW	87-03-030
230-04-145	AMD	87-07-038	232-28-109	REP-P	87-12-076	248-18-99902	AMD	87-04-061
230-04-145	AMD	87-09-043	232-28-109	REP	87-15-083	248-18-99910	NEW-P	87-20-078
230-04-145	AMD-P	87-11-016	232-28-110	NEW-P	87-12-076	248-19-230	AMD-P	87-06-048
230-04-145	AMD	87-15-052	232-28-110	NEW	87-15-083	248-19-230	AMD	87-10-023
230-04-190	AMD-P	87-15-050	232-28-212	REP-P	87-08-069	248-19-270	AMD-P	87-06-048
230-04-190	AMD-E	87-15-053	232-28-212	REP	87-14-031	248-19-270	AMD	87-10-023
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230-04-201	AMD-P	87-03-024	232-28-213	NEW	87-14-031	248-19-327	AMD	87-10-023
230-04-201	AMD-C	87-07-037	232-28-21301	NEW-E	87-17-033	248-19-328	NEW-P	87-06-048
230-04-201	AMD-P	87-15-050	232-28-21301	NEW-P	87-18-077	248-19-328	NEW	87-10-023
230-04-201	AMD-E	87-15-053	232-28-21301	NEW	87-21-066	248-86-010	AMD-P	87-16-087
230-04-201	AMD	87-21-015	232-28-21302	NEW-E	87-17-034	248-86-010	AMD	87-19-069
230-04-900	REP-P	87-15-050	232-28-21303	NEW-E	87-21-097	248-97-010	NEW-P	87-12-088
230-04-900	REP	87-21-015	232-28-214	NEW-P	87-12-077	248-97-020	NEW-P	87-12-088
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230-08-170	AMD-P	87-11-011	232-28-215	NEW-P	87-12-078	248-97-050	NEW-P	87-12-088
230-08-170	AMD-P	87-13-047	232-28-215	NEW-W	87-14-079	248-97-060	NEW-P	87-12-088
230-08-170	AMD	87-17-052	232-28-215	NEW-P	87-14-080	248-97-070	NEW-P	87-12-088
230-12-200	AMD-P	87-15-050	232-28-215	NEW	87-21-095	248-97-080	NEW-P	87-12-088
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230-12-305	NEW	87-09-043	232-28-216	NEW	87-21-096	248-97-100	NEW-P	87-12-088
230-20-064	AMD-P	87-03-024	232-28-410	REP-P	87-14-082	248-97-110	NEW-P	87-12-088
230-20-064	AMD-C	87-07-037	232-28-410	REP	87-18-024	248-97-120	NEW-P	87-12-088
230-20-064	AMD-P	87-09-041	232-28-411	NEW-P	87-14-082	248-97-130	NEW-P	87-12-088
230-20-064	AMD-E	87-09-042	232-28-411	NEW	87-18-024	248-97-140	NEW-P	87-12-088
230-20-064	AMD	87-13-045	232-28-509	REP-P	87-12-079	248-97-150	NEW-P	87-12-088
230-20-380	AMD-P	87-03-024	232-28-509	REP	87-18-016	248-97-160	NEW-P	87-12-088
230-20-380	AMD	87-07-038	232-28-510	NEW-P	87-12-079	248-97-170	NEW-P	87-12-088
230-20-380	AMD-P	87-11-011	232-28-510	NEW	87-18-016	248-97-180	NEW-P	87-12-088
230-20-380	AMD-C	87-15-051	232-28-61519	NEW-E	87-03-042	248-100-001	REP-P	87-07-039
230-20-380	AMD-C	87-21-035	232-28-616	REP-P	87-18-078	248-100-001	REP	87-11-047
230-30-050	AMD-P	87-11-011	232-28-617	NEW-P	87-18-078	248-100-002	REP-P	87-07-039
230-30-050	AMD-P	87-13-047	232-28-61601	NEW-E	87-02-046	248-100-002	REP	87-11-047
230-30-055	NEW-P	87-19-055	232-28-61602	NEW-E	87-06-028	248-100-003	REP-P	87-07-039
230-30-060	AMD	87-03-023	232-28-61603	NEW-E	87-08-039	248-100-003	REP	87-11-047
230-30-070	AMD	87-03-023	232-28-61604	NEW-E	87-13-049	248-100-006	NEW-P	87-07-039
230-30-070	AMD-P	87-11-011	232-28-61605	NEW-E	87-16-062	248-100-006	NEW	87-11-047
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248-100-515	REP	87-11-047	248-148-080	REP-P	87-16-086	250-20-071	AMD-P	87-12-046
248-100-520	REP-P	87-07-039	248-148-080	REP-E	87-19-068	250-20-071	AMD	87-16-046
248-100-520	REP	87-11-047	248-148-080	REP	87-22-010	250-20-081	AMD-P	87-12-046
248-100-525	REP-P	87-07-039	248-148-090	REP-P	87-16-086	250-20-081	AMD	87-16-046
248-100-525	REP	87-11-047	248-148-090	REP-E	87-19-068	250-40-030	AMD-P	87-12-047
248-100-530	REP-P	87-07-039	248-148-090	REP	87-22-010	250-40-030	AMD	87-16-047
248-100-530	REP	87-11-047	248-148-091	NEW-P	87-16-086	250-40-040	AMD-P	87-12-047
248-100-532	REP-P	87-07-039	248-148-091	NEW-E	87-19-068	250-40-040	AMD	87-16-047
248-100-532	REP	87-11-047	248-148-091	NEW	87-22-010	250-40-050	AMD-P	87-04-077
248-100-535	REP-P	87-07-039	248-148-100	REP-P	87-16-086	250-40-050	AMD-P	87-12-047
248-100-535	REP	87-11-047	248-148-100	REP-E	87-19-068	250-40-050	AMD	87-16-047
248-100-540	REP-P	87-07-039	248-148-100	REP	87-22-010	250-40-060	AMD-P	87-12-047
248-100-540	REP	87-11-047	248-148-101	NEW-P	87-16-086	250-40-060	AMD	87-16-047
248-100-545	REP-P	87-07-039	248-148-101	NEW-E	87-19-068	250-40-070	AMD-P	87-12-047
248-100-545	REP	87-11-047	248-148-101	NEW	87-22-010	250-40-070	AMD	87-16-047
248-100-550	REP-P	87-07-039	248-148-110	REP-P	87-16-086	250-44-010	AMD-P	87-12-066
248-100-550	REP	87-11-047	248-148-110	REP-E	87-19-068	250-44-010	AMD	87-16-061
248-100-555	REP-P	87-07-039	248-148-110	REP	87-22-010	250-44-020	AMD-P	87-12-066
248-100-555	REP	87-11-047	248-148-120	REP-P	87-16-086	250-44-020	AMD	87-16-061
248-100-560	REP-P	87-07-039	248-148-120	REP-E	87-19-068	250-44-030	AMD-P	87-12-066
248-100-560	REP	87-11-047	248-148-120	REP	87-22-010	250-44-030	AMD	87-16-061
248-100-565	REP-P	87-07-039	248-148-121	NEW-P	87-16-086	250-44-040	AMD-P	87-12-066
248-100-565	REP	87-11-047	248-148-121	NEW-E	87-19-068	250-44-040	AMD	87-16-061
248-102-010	REP-E	87-07-033	248-148-121	NEW	87-22-010	250-44-050	AMD-P	87-12-066
248-102-010	REP-P	87-07-040	248-148-123	NEW-P	87-16-086	250-44-050	AMD	87-16-061
248-102-010	REP	87-11-040	248-148-123	NEW-E	87-19-068	250-44-060	AMD-P	87-12-066
248-102-020	REP-E	87-07-033	248-148-123	NEW	87-22-010	250-44-060	AMD	87-16-061
248-102-020	REP-P	87-07-040	248-148-130	REP-P	87-16-086	250-44-080	AMD-P	87-12-066
248-102-020	REP	87-11-040	248-148-130	REP-E	87-19-068	250-44-080	AMD	87-16-061
248-102-040	REP-E	87-07-033	248-148-130	REP	87-22-010	250-44-090	AMD-P	87-12-066
248-102-040	REP-P	87-07-040	248-148-131	NEW-P	87-16-086	250-44-090	AMD	87-16-061
248-102-040	REP	87-11-040	248-148-131	NEW-E	87-19-068	250-44-100	AMD-P	87-12-066
248-102-070	REP-E	87-07-033	248-148-131	NEW	87-22-010	250-44-100	AMD	87-16-061
248-102-070	REP-P	87-07-040	248-148-140	REP-P	87-16-086	250-44-110	AMD-P	87-12-066
248-102-070	REP	87-11-040	248-148-140	REP-E	87-19-068	250-44-110	AMD	87-16-061
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248-102-999	REP-P	87-07-040	248-168-010	NEW-P	87-18-037	250-44-120	AMD	87-16-061
248-102-999	REP	87-11-040	248-168-010	NEW-E	87-18-039	250-44-130	AMD-P	87-12-066
248-103-001	NEW-E	87-07-033	248-168-010	NEW	87-22-012	250-44-130	AMD	87-16-061
248-103-001	NEW-P	87-07-040	248-168-020	NEW-P	87-18-037	250-44-140	AMD-P	87-12-066
248-103-001	NEW	87-11-040	248-168-020	NEW-E	87-18-039	250-44-140	AMD	87-16-061
248-103-010	NEW-E	87-07-033	248-168-020	NEW	87-22-012	250-44-150	AMD-P	87-12-066
248-103-010	NEW-P	87-07-040	248-168-030	NEW-P	87-18-037	250-44-150	AMD	87-16-061
248-103-010	NEW	87-11-040	248-168-030	NEW-E	87-18-039	250-44-160	AMD-P	87-12-066
248-103-020	NEW-E	87-07-033	248-168-030	NEW	87-22-012	250-44-160	AMD	87-16-061
248-103-020	NEW-P	87-07-040	248-168-040	NEW-P	87-18-037	250-44-170	AMD-P	87-12-066
248-103-020	NEW	87-11-040	248-168-040	NEW-E	87-18-039	250-44-170	AMD	87-16-061
248-103-030	NEW-E	87-07-033	248-168-040	NEW	87-22-012	250-44-180	AMD-P	87-12-066
248-103-030	NEW-P	87-07-040	248-168-050	NEW-P	87-18-037	250-44-180	AMD	87-16-061
248-103-030	NEW	87-11-040	248-168-050	NEW-E	87-18-039	250-44-190	AMD-P	87-12-066
248-148-020	REP-P	87-16-086	248-168-050	NEW	87-22-012	250-44-190	AMD	87-16-061
248-148-020	REP-E	87-19-068	248-168-060	NEW-P	87-18-037	250-44-200	AMD-P	87-12-066
248-148-020	REP	87-22-010	248-168-060	NEW-E	87-18-039	250-44-200	AMD	87-16-061
248-148-021	NEW-P	87-16-086	248-168-060	NEW	87-22-012	250-44-210	AMD-P	87-12-066
248-148-021	NEW-E	87-19-068	250-18-020	AMD-P	87-12-060	250-44-210	AMD	87-16-061
248-148-021	NEW	87-22-010	250-18-020	AMD	87-16-048	250-65-010	NEW-P	87-20-093
248-148-030	REP-P	87-16-086	250-18-020	AMD-P	87-18-054	250-65-020	NEW-P	87-20-093
248-148-030	REP-E	87-19-068	250-18-020	AMD	87-21-079	250-65-030	NEW-P	87-20-093
248-148-030	REP	87-22-010	250-18-060	AMD-P	87-12-060	250-65-040	NEW-P	87-20-093
248-148-031	NEW-P	87-16-086	250-18-060	AMD	87-16-048	250-65-050	NEW-P	87-20-093
248-148-031	NEW-E	87-19-068	250-18-060	AMD-P	87-18-054	250-65-060	NEW-P	87-20-093
248-148-031	NEW	87-22-010	250-18-060	AMD	87-21-079	251-01-040	AMD-P	87-06-053
248-148-035	NEW-P	87-16-086	250-20-011	AMD-P	87-12-046	251-01-040	AMD-P	87-10-050
248-148-035	NEW-E	87-19-068	250-20-011	AMD	87-16-046	251-01-040	AMD	87-16-045
248-148-035	NEW	87-22-010	250-20-015	AMD-P	87-12-046	251-01-040	AMD-P	87-12-081
248-148-040	REP-P	87-16-086	250-20-015	AMD	87-16-046	251-01-057	NEW-P	87-10-053
248-148-040	REP-E	87-19-068	250-20-021	AMD-P	87-04-076	251-01-057	NEW	87-14-051
248-148-040	REP	87-22-010	250-20-021	AMD-P	87-12-046	251-01-072	NEW-E	87-14-052
248-148-050	REP-P	87-16-086	250-20-021	AMD	87-16-046	251-01-072	NEW-P	87-16-092
248-148-050	REP-E	87-19-068	250-20-031	AMD-P	87-12-046	251-01-072	NEW-E	87-19-147
248-148-050	REP	87-22-010	250-20-031	AMD	87-16-046	251-01-072	NEW	87-20-024
248-148-060	REP-P	87-16-086	250-20-041	AMD-P	87-12-046	251-01-077	NEW-P	87-12-085
248-148-060	REP-E	87-19-068	250-20-041	AMD	87-16-046	251-01-110	AMD-P	87-16-093
248-148-060	REP	87-22-010	250-20-051	AMD-P	87-12-046	251-01-110	AMD-P	87-18-069
248-148-070	REP-P	87-16-086	250-20-051	AMD	87-16-046	251-01-110	AMD	87-21-089
248-148-070	REP-E	87-19-068	250-20-061	AMD-P	87-12-046	251-01-172	NEW	87-14-051

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251-01-190	AMD	87-02-036	251-12-076	NEW	87-20-025	251-18-347	AMD-P	87-16-093
251-01-208	NEW-P	87-10-053	251-12-085	AMD-P	87-16-094	251-18-347	AMD	87-20-023
251-01-300	AMD	87-02-036	251-12-085	AMD	87-20-025	251-18-347	REP-P	87-21-090
251-01-335	AMD-P	87-21-091	251-12-096	NEW-P	87-12-084	251-18-350	AMD	87-02-036
251-01-382	NEW-E	87-14-052	251-12-096	NEW	87-16-045	251-18-350	REP-P	87-21-090
251-01-382	NEW-P	87-16-092	251-12-097	NEW-P	87-12-084	251-18-381	REP-P	87-21-090
251-01-382	NEW-E	87-19-147	251-12-097	NEW	87-16-045	251-18-400	REP-P	87-21-090
251-01-382	NEW	87-20-024	251-12-240	AMD	87-02-036	251-18-410	REP-P	87-21-090
251-01-392	NEW-E	87-14-052	251-12-240	AMD-P	87-21-091	251-18-420	REP-P	87-21-090
251-01-392	NEW-P	87-16-092	251-12-500	AMD-P	87-21-091	251-19-010	NEW-P	87-21-090
251-01-392	NEW-E	87-19-147	251-14-030	AMD-P	87-12-084	251-19-020	NEW-P	87-21-090
251-01-392	NEW	87-20-024	251-14-030	AMD-P	87-12-085	251-19-030	NEW-P	87-21-090
251-01-400	AMD	87-02-036	251-14-030	AMD	87-16-045	251-19-040	NEW-P	87-21-090
251-01-415	AMD-P	87-21-091	251-14-035	AMD-P	87-12-085	251-19-050	NEW-P	87-21-090
251-01-435	AMD-P	87-21-091	251-14-035	AMD-C	87-19-146	251-19-060	NEW-P	87-21-090
251-04-040	AMD	87-02-036	251-14-050	AMD	87-02-036	251-19-070	NEW-P	87-21-090
251-04-040	AMD-P	87-21-091	251-14-070	AMD-P	87-16-093	251-19-080	NEW-P	87-21-090
251-05-060	AMD	87-02-036	251-14-070	AMD	87-21-089	251-19-090	NEW-P	87-21-090
251-06-080	AMD-P	87-21-091	251-14-100	AMD-P	87-16-093	251-19-100	NEW-P	87-21-090
251-07-010	NEW-P	87-04-055	251-14-100	AMD	87-20-023	251-19-110	NEW-P	87-21-090
251-07-010	NEW	87-08-056	251-14-110	AMD-P	87-16-093	251-19-120	NEW-P	87-21-090
251-07-020	NEW-P	87-04-055	251-14-110	AMD	87-20-023	251-19-130	NEW-P	87-21-090
251-07-020	NEW	87-08-056	251-17-010	NEW-P	87-21-090	251-19-140	NEW-P	87-21-090
251-07-030	NEW-P	87-04-055	251-17-020	NEW-P	87-21-090	251-19-150	NEW-P	87-21-090
251-07-030	NEW	87-08-056	251-17-030	NEW-P	87-21-090	251-19-160	NEW-P	87-21-090
251-07-040	NEW-P	87-04-055	251-17-040	NEW-P	87-21-090	251-22-040	AMD	87-02-036
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251-07-050	NEW	87-08-056	251-17-070	NEW-P	87-21-090	251-22-070	AMD-P	87-10-052
251-07-060	NEW-P	87-04-055	251-17-080	NEW-P	87-21-090	251-22-070	AMD	87-14-051
251-07-060	NEW	87-08-056	251-17-090	NEW-P	87-21-090	251-22-110	AMD-P	87-10-052
251-08-005	AMD-P	87-04-056	251-17-100	NEW-P	87-21-090	251-22-110	AMD-P	87-10-053
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251-08-040	AMD	87-08-056	251-17-150	NEW-P	87-21-090	251-22-117	NEW-P	87-10-052
251-08-100	AMD-P	87-04-056	251-17-160	NEW-P	87-21-090	251-22-117	NEW-P	87-10-053
251-08-100	AMD-P	87-10-051	251-17-170	NEW-P	87-21-090	251-22-117	NEW	87-14-051
251-08-100	AMD	87-14-051	251-17-180	NEW-P	87-21-090	251-22-167	NEW-P	87-16-094
251-08-100	AMD-P	87-21-091	251-17-190	NEW-P	87-21-090	251-22-167	NEW-P	87-16-095
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251-08-110	AMD-P	87-16-092	251-18	AMD-P	87-21-090	251-22-167	NEW	87-20-025
251-08-110	AMD-E	87-19-147	251-18-010	REP-P	87-21-090	251-22-170	AMD-P	87-16-093
251-08-110	AMD	87-20-024	251-18-011	REP-P	87-21-090	251-22-170	AMD	87-20-025
251-08-112	AMD-E	87-14-052	251-18-012	REP-P	87-21-090	251-22-195	NEW-P	87-16-094
251-08-112	AMD-P	87-16-092	251-18-015	REP-P	87-21-090	251-22-195	NEW-P	87-16-095
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251-08-112	AMD	87-20-024	251-18-035	REP-P	87-21-090	251-22-195	NEW	87-20-025
251-08-112	AMD-P	87-21-092	251-18-041	REP-P	87-21-090	251-22-200	AMD-P	87-10-053
251-08-150	AMD-P	87-21-091	251-18-050	REP-P	87-21-090	251-22-200	AMD	87-14-051
251-09-020	AMD-P	87-18-069	251-18-060	REP-P	87-21-090	251-22-200	AMD-P	87-16-094
251-09-030	AMD-P	87-18-069	251-18-070	REP-P	87-21-090	251-22-200	AMD	87-20-025
251-09-090	AMD-P	87-04-056	251-18-075	REP-P	87-21-090	251-23-015	NEW-P	87-06-053
251-10-020	AMD-P	87-08-054	251-18-095	REP-P	87-21-090	251-23-015	NEW-C	87-10-049
251-10-020	AMD-P	87-08-055	251-18-110	REP-P	87-21-090	251-23-015	NEW-C	87-14-006
251-10-020	AMD-P	87-12-082	251-18-120	REP-P	87-21-090	251-23-015	NEW	87-16-045
251-10-020	AMD-P	87-12-083	251-18-130	REP-P	87-21-090	251-23-040	AMD	87-02-036
251-10-020	AMD	87-16-045	251-18-140	REP-P	87-21-090	251-23-050	AMD	87-02-036
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251-10-035	AMD-P	87-21-091	251-18-165	REP-P	87-21-090	254-20-090	AMD	87-03-039
251-10-055	AMD	87-02-036	251-18-176	AMD	87-02-036	260-24-280	AMD-P	87-08-029
251-10-055	AMD-P	87-21-091	251-18-176	REP-P	87-21-090	260-24-280	AMD-E	87-09-031
251-10-108	NEW-P	87-02-054	251-18-180	AMD-P	87-21-090	260-24-280	AMD	87-15-019
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251-10-108	NEW	87-08-056	251-18-290	REP-P	87-21-090	260-36-040	AMD	87-15-019
251-10-115	NEW-W	87-02-055	251-18-291	REP-P	87-21-090	260-40-100	AMD-P	87-08-029
251-10-120	AMD-P	87-04-057	251-18-300	REP-P	87-21-090	260-44-080	AMD-P	87-08-029
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251-10-140	AMD-P	87-04-057	251-18-320	REP-P	87-21-090	260-44-080	AMD	87-15-019
251-10-140	AMD	87-08-056	251-18-330	REP-P	87-21-090	260-70-010	AMD-P	87-08-029
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251-10-195	AMD-P	87-21-091	251-18-340	REP-P	87-21-090	260-70-010	AMD-P	87-09-077
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260-70-021	AMD-P	87-09-077	275-19-110	AMD-P	87-15-134	275-54-170	AMD	87-19-070
260-70-021	AMD	87-15-020	275-19-110	AMD-E	87-16-027	275-54-180	AMD-P	87-15-135
260-70-025	AMD-P	87-08-029	275-19-110	AMD	87-19-072	275-54-180	AMD	87-19-070
260-70-025	AMD-W	87-09-076	275-19-140	AMD-P	87-15-134	275-54-190	AMD-P	87-15-135
260-70-025	AMD-P	87-09-077	275-19-140	AMD-E	87-16-027	275-54-190	AMD	87-19-070
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260-70-026	AMD-P	87-09-077	275-19-170	AMD	87-19-072	275-55-021	REP	87-19-071
260-70-026	AMD	87-15-020	275-19-185	AMD-P	87-15-134	275-55-050	REP-P	87-15-136
260-70-050	AMD-P	87-08-029	275-19-185	AMD-E	87-16-027	275-55-050	REP	87-19-071
260-70-050	AMD-W	87-09-076	275-19-185	AMD	87-19-072	275-55-060	REP-P	87-15-136
260-70-050	AMD-P	87-09-077	275-19-400	AMD-P	87-15-134	275-55-060	REP	87-19-071
260-70-050	AMD	87-15-020	275-19-400	AMD-E	87-16-027	275-55-071	REP-P	87-15-136
260-70-090	AMD-P	87-08-029	275-19-400	AMD	87-19-072	275-55-071	REP	87-19-071
260-70-090	AMD-W	87-09-076	275-19-450	NEW-P	87-15-134	275-55-121	REP-P	87-15-136
260-70-090	AMD-P	87-09-077	275-19-450	NEW-E	87-16-027	275-55-121	REP	87-19-071
260-70-090	AMD	87-15-020	275-19-450	NEW	87-19-072	275-55-263	AMD-P	87-15-136
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260-70-100	AMD-W	87-09-076	275-19-455	NEW-E	87-16-027	275-55-271	AMD-P	87-15-136
260-70-100	AMD-P	87-09-077	275-19-455	NEW	87-19-072	275-55-271	AMD	87-19-071
260-70-120	AMD-P	87-08-029	275-19-550	AMD-P	87-15-134	275-55-281	AMD-P	87-15-136
260-70-120	AMD-W	87-09-076	275-19-550	AMD-E	87-16-027	275-55-281	AMD	87-19-071
260-70-120	AMD-P	87-09-077	275-19-550	AMD	87-19-072	275-55-291	AMD-P	87-15-136
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260-70-170	AMD-P	87-08-029	275-19-580	NEW-E	87-16-027	275-55-331	REP-P	87-15-136
260-70-170	AMD-W	87-09-076	275-19-580	NEW	87-19-072	275-55-331	REP	87-19-071
260-70-170	AMD-P	87-09-077	275-19-585	NEW-P	87-15-134	275-56-135	AMD	87-06-026
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261-06-070	AMD-P	87-13-073	275-19-590	NEW-P	87-15-134	284-07-014	NEW-P	87-02-065
261-06-070	AMD	87-22-005	275-19-590	NEW-E	87-16-027	284-07-014	NEW	87-05-011
261-06-080	AMD-P	87-13-073	275-19-590	NEW	87-19-072	284-07-024	NEW-P	87-02-065
261-06-080	AMD	87-22-005	275-19-595	NEW-P	87-15-134	284-07-024	NEW	87-05-011
261-06-090	AMD-P	87-13-073	275-19-595	NEW-E	87-16-027	284-12-080	NEW	87-03-055
261-06-090	AMD	87-22-005	275-19-595	NEW	87-19-072	284-13-110	NEW-P	87-06-049
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261-40-150	AMD-C	87-19-030	275-19-660	AMD-P	87-15-134	284-13-130	NEW-P	87-06-049
261-40-150	AMD-C	87-20-048	275-19-660	AMD-E	87-16-027	284-13-130	NEW	87-09-056
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261-50-030	AMD-P	87-05-007	275-19-675	NEW	87-19-072	284-13-150	NEW	87-09-056
261-50-030	AMD	87-08-037	275-19-680	NEW-P	87-15-134	284-17-200	AMD-P	87-22-055
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261-50-040	AMD-P	87-05-007	275-19-940	AMD-P	87-15-134	284-17-230	AMD-P	87-22-055
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261-50-060	AMD-P	87-05-007	275-19-950	AMD	87-19-072	284-17-265	NEW-P	87-22-055
261-50-070	NEW-P	87-05-007	275-19-960	AMD-P	87-15-134	284-17-275	NEW-P	87-22-055
261-50-075	NEW	87-08-037	275-19-960	AMD-E	87-16-027	284-17-280	AMD-P	87-22-055
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261-50-090	AMD-P	87-05-007	275-19-970	AMD-P	87-15-134	284-17-310	AMD-P	87-22-055
261-50-090	AMD	87-08-037	275-19-970	AMD-E	87-16-027	284-17-320	AMD-P	87-22-055
275-16-030	AMD-E	87-15-132	275-19-970	AMD	87-19-072	284-19-200	REP-P	87-19-101
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275-16-030	AMD	87-19-026	275-19-980	AMD-E	87-16-027	284-23-400	AMD-P	87-09-098
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275-19-030	AMD-P	87-15-134	275-19-990	AMD-E	87-16-027	284-23-430	AMD-P	87-09-098
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296-22-255	AMD-P	87-11-050	296-23-040	AMD-P	87-11-050	296-23-305	REP-E	87-02-042
296-22-255	AMD-E	87-12-044	296-23-040	AMD-E	87-12-044	296-23-305	REP	87-03-005
296-22-255	AMD	87-16-004	296-23-040	AMD	87-16-004	296-23-310	REP-E	87-02-042
296-22-260	AMD-P	87-11-050	296-23-045	AMD-P	87-11-050	296-23-310	REP	87-03-005
296-22-260	AMD-E	87-12-044	296-23-045	AMD-E	87-12-044	296-23-315	REP-E	87-02-042
296-22-260	AMD	87-16-004	296-23-045	AMD	87-16-004	296-23-315	REP	87-03-005
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296-22-265	AMD-E	87-12-044	296-23-050	AMD-E	87-12-044	296-23-330	REP	87-03-005
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296-22-310	AMD-P	87-11-050	296-23-055	AMD-P	87-11-050	296-23-335	REP	87-03-005
296-22-310	AMD-E	87-12-044	296-23-055	AMD-E	87-12-044	296-23-340	REP-E	87-02-042
296-22-310	AMD	87-16-004	296-23-055	AMD	87-16-004	296-23-340	REP	87-03-005
296-22-315	AMD-P	87-11-050	296-23-065	AMD-P	87-11-050	296-23-356	REP-E	87-02-042
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296-22-337	AMD-E	87-12-044	296-23-07902	AMD-E	87-12-044	296-23-50014	AMD	87-22-052
296-22-337	AMD	87-16-004	296-23-07902	AMD	87-16-004	296-23-615	AMD-P	87-11-050
296-22-340	AMD-P	87-11-050	296-23-07903	AMD-P	87-11-050	296-23-615	AMD-E	87-11-051
296-22-340	AMD-E	87-12-044	296-23-07903	AMD-E	87-12-044	296-23-615	AMD	87-16-004
296-22-340	AMD	87-16-004	296-23-07903	AMD	87-16-004	296-23-615	AMD-E	87-16-007
296-22-350	AMD-P	87-11-050	296-23-07904	AMD-P	87-11-050	296-23-715	AMD-P	87-11-050
296-22-350	AMD-E	87-12-044	296-23-07904	AMD-E	87-12-044	296-23-715	AMD-E	87-12-044
296-22-350	AMD	87-16-004	296-23-07904	AMD	87-16-004	296-23-715	AMD	87-16-004
296-22-355	AMD-P	87-11-050	296-23-07905	AMD-P	87-11-050	296-23-720	AMD-P	87-11-050
296-22-355	AMD-E	87-12-044	296-23-07905	AMD-E	87-12-044	296-23-720	AMD-E	87-12-044
296-22-355	AMD	87-16-004	296-23-07905	AMD	87-16-004	296-23-725	AMD-P	87-02-057
296-22-365	AMD-P	87-11-050	296-23-07906	AMD-P	87-11-050	296-23-725	AMD	87-08-004
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296-22-370	AMD-E	87-12-044	296-23-07907	AMD-E	87-12-044	296-23-811	AMD-E	87-16-007
296-22-370	AMD	87-16-004	296-23-07907	AMD	87-16-004	296-23-980	AMD-P	87-02-057
296-22-375	AMD-P	87-11-050	296-23-07908	AMD-P	87-11-050	296-23-980	AMD	87-08-004
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296-22-375	AMD	87-16-004	296-23-07908	AMD	87-16-004	296-23A-100	NEW	87-03-005
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296-22-405	AMD-E	87-12-044	296-23-080	AMD-E	87-12-044	296-23A-100	AMD-E	87-12-044
296-22-405	AMD	87-16-004	296-23-080	AMD	87-16-004	296-23A-100	AMD	87-16-004
296-22-410	AMD-P	87-11-050	296-23-115	REP-P	87-11-050	296-23A-105	NEW-E	87-02-042
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296-23A-125	NEW	87-03-005	296-23A-260	NEW	87-03-005	296-24-58503	AMD-P	87-19-135
296-23A-130	NEW-E	87-02-042	296-23A-260	AMD-P	87-11-050	296-24-58513	AMD-P	87-19-135
296-23A-130	NEW	87-03-005	296-23A-260	AMD-E	87-12-044	296-24-59001	REP-P	87-19-135
296-23A-135	NEW-E	87-02-042	296-23A-260	AMD	87-16-004	296-24-59003	REP-P	87-19-135
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296-23A-140	NEW-E	87-02-042	296-23A-262	NEW	87-03-005	296-24-59007	REP-P	87-19-135
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296-23A-150	NEW	87-03-005	296-23A-264	NEW-E	87-02-042	296-24-60003	REP-P	87-19-135
296-23A-150	AMD-P	87-11-050	296-23A-264	NEW	87-03-005	296-24-60005	REP-P	87-19-135
296-23A-150	AMD-E	87-12-044	296-23A-266	NEW-E	87-02-042	296-24-60007	REP-P	87-19-135
296-23A-150	AMD	87-16-004	296-23A-266	NEW	87-03-005	296-24-60501	REP-P	87-19-135
296-23A-155	NEW-P	87-18-071	296-23A-266	AMD-P	87-11-050	296-24-60503	REP-P	87-19-135
296-23A-160	NEW-P	87-18-071	296-23A-266	AMD-E	87-12-044	296-24-60505	REP-P	87-19-135
296-23A-165	NEW-P	87-18-071	296-23A-266	AMD	87-16-004	296-24-60507	REP-P	87-19-135
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296-23A-175	NEW-P	87-18-071	296-23A-268	NEW	87-03-005	296-24-615	REP-P	87-19-135
296-23A-180	NEW-P	87-18-071	296-23A-300	NEW-E	87-02-042	296-24-61501	REP-P	87-19-135
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296-23A-200	NEW	87-03-005	296-23A-315	NEW-E	87-02-042	296-24-62001	REP-P	87-19-135
296-23A-205	NEW-E	87-02-042	296-23A-315	NEW	87-03-005	296-24-62003	REP-P	87-19-135
296-23A-205	NEW	87-03-005	296-23A-320	NEW-E	87-02-042	296-24-625	REP-P	87-19-135
296-23A-210	NEW-E	87-02-042	296-23A-320	NEW	87-03-005	296-24-63399	AMD-P	87-19-135
296-23A-210	NEW	87-03-005	296-23A-325	NEW-E	87-02-042	296-24-63599	AMD-P	87-19-135
296-23A-215	NEW-E	87-02-042	296-23A-325	NEW	87-03-005	296-24-95601	AMD-P	87-19-135
296-23A-215	NEW	87-03-005	296-23A-325	AMD-P	87-11-050	296-24-95603	AMD-P	87-19-135
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296-23A-220	NEW	87-03-005	296-23A-325	AMD	87-16-004	296-24-95607	AMD-P	87-19-135
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296-23A-225	NEW	87-03-005	296-23A-330	NEW	87-03-005	296-24-95611	AMD-P	87-19-135
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296-23A-230	NEW	87-03-005	296-23A-335	NEW	87-03-005	296-27-160	AMD	87-03-011
296-23A-235	NEW-E	87-02-042	296-23A-335	AMD-P	87-11-050	296-27-16001	AMD	87-03-011
296-23A-235	NEW	87-03-005	296-23A-335	AMD-E	87-12-044	296-27-16002	NEW	87-03-011
296-23A-240	NEW-E	87-02-042	296-23A-335	AMD	87-16-004	296-27-16003	AMD	87-03-011
296-23A-240	NEW	87-03-005	296-23A-340	NEW-E	87-02-042	296-27-16004	NEW	87-03-011
296-23A-242	NEW-E	87-02-042	296-23A-340	NEW	87-03-005	296-27-16005	REP	87-03-011
296-23A-242	NEW	87-03-005	296-23A-340	AMD-P	87-11-050	296-27-16007	AMD	87-03-011
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296-23A-244	NEW	87-03-005	296-23A-340	AMD	87-16-004	296-27-16011	AMD	87-03-011
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296-23A-244	AMD-E	87-12-044	296-23A-345	NEW	87-03-005	296-27-16015	REP	87-03-011
296-23A-246	NEW-E	87-02-042	296-23A-345	AMD-P	87-11-050	296-27-16017	REP	87-03-011
296-23A-246	NEW	87-03-005	296-23A-345	AMD-E	87-12-044	296-27-16018	NEW	87-03-011
296-23A-246	AMD-P	87-11-050	296-23A-350	AMD	87-16-004	296-27-16019	REP	87-03-011
296-23A-246	AMD-E	87-12-044	296-23A-350	NEW-E	87-02-042	296-27-16020	NEW	87-03-011
296-23A-248	NEW	87-03-005	296-23A-355	NEW	87-03-005	296-27-16021	REP	87-03-011
296-23A-248	NEW-E	87-02-042	296-23A-355	NEW-E	87-02-042	296-27-16022	NEW	87-03-011
296-23A-250	NEW	87-03-005	296-23A-355	NEW	87-03-005	296-27-16023	REP	87-03-011
296-23A-250	NEW-E	87-02-042	296-23A-360	AMD-P	87-11-050	296-27-16026	NEW	87-03-011
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308-33-030	AMD-P	87-11-061	308-50-035	NEW-P	87-10-066	308-61-158	AMD-P	87-22-029
308-33-030	AMD	87-21-088	308-50-035	NEW	87-14-030	308-61-158	AMD-E	87-22-030
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308-33-040	REP	87-21-088	308-50-375	REP-P	87-13-057	308-61-175	AMD-P	87-22-029
308-33-050	REP-P	87-11-061	308-50-375	REP-E	87-14-088	308-61-175	AMD-E	87-22-030
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308-37-190	AMD-W	87-09-095	308-52-140	AMD-P	87-13-054	308-90-010	REP-E	87-14-072
308-37-190	AMD-P	87-09-096	308-52-141	AMD-P	87-13-054	308-90-010	REP-E	87-21-009
308-37-190	AMD-W	87-11-026	308-52-147	NEW-P	87-13-054	308-90-020	REP-E	87-14-072
308-37-190	REP-P	87-18-063	308-52-148	NEW-P	87-13-054	308-90-020	REP-E	87-21-009
308-37-190	REP-C	87-21-086	308-52-315	REP-P	87-07-046	308-90-030	AMD-E	87-14-072
308-40-102	AMD-P	87-06-051	308-52-315	REP	87-10-028	308-90-030	AMD-E	87-21-009
308-40-102	AMD	87-09-097	308-52-590	NEW-P	87-07-046	308-90-040	AMD-E	87-14-072
308-40-105	AMD-P	87-06-051	308-52-590	NEW	87-10-028	308-90-040	AMD-E	87-21-009
308-40-105	AMD	87-09-097	308-52-590	AMD-P	87-16-107	308-90-050	REP-E	87-14-072
308-40-125	AMD-P	87-07-046	308-52-590	AMD	87-19-130	308-90-050	REP-E	87-21-009
308-40-125	AMD-P	87-13-057	308-53-020	AMD-P	87-07-046	308-90-060	AMD-E	87-14-072
308-40-125	AMD-E	87-14-088	308-53-020	AMD	87-10-028	308-90-060	AMD-E	87-21-009
308-40-125	AMD	87-18-031	308-53-084	AMD-C	87-02-060	308-90-070	AMD-E	87-14-072
308-41-025	REP-P	87-07-046	308-53-084	AMD	87-09-046	308-90-070	AMD-E	87-21-009
308-42-040	AMD-P	87-05-061	308-53-085	AMD-C	87-02-060	308-90-080	AMD-E	87-14-072
308-42-040	AMD	87-08-065	308-53-085	AMD	87-09-046	308-90-080	AMD-E	87-21-009
308-42-075	AMD-P	87-07-046	308-53-320	NEW-P	87-09-074	308-90-090	AMD-E	87-14-072
308-42-075	AMD	87-10-028	308-53-320	NEW	87-17-020	308-90-090	AMD-E	87-21-009
308-42-210	NEW-P	87-14-086	308-53-330	NEW-P	87-09-075	308-90-110	AMD-E	87-14-072
308-42-210	NEW	87-18-040	308-54-315	AMD-P	87-07-046	308-90-110	AMD-E	87-21-009
308-42-220	NEW-P	87-14-086	308-54-315	AMD-P	87-13-057	308-90-120	NEW-E	87-14-072
308-42-220	NEW	87-18-040	308-54-315	AMD-E	87-14-088	308-90-120	NEW-E	87-21-009
308-42-230	NEW-P	87-14-086	308-54-315	AMD	87-18-031	308-90-130	NEW-E	87-14-072
308-42-230	NEW	87-18-040	308-55-025	AMD-P	87-07-046	308-90-130	NEW-E	87-21-009
308-42-240	NEW-P	87-14-086	308-55-025	AMD-P	87-13-057	308-90-140	NEW-E	87-14-072
308-42-240	NEW	87-18-040	308-55-025	AMD-E	87-14-088	308-90-140	NEW-E	87-21-009
308-42-250	NEW-P	87-14-086	308-55-025	AMD	87-18-031	308-90-150	NEW-E	87-14-072
308-42-250	NEW	87-18-040	308-56A-006	NEW-P	87-04-069	308-90-150	NEW-E	87-21-009
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308-48-075	NEW-P	87-08-051	308-56A-115	AMD-P	87-04-069	308-93-295	NEW-P	87-21-048
308-48-075	NEW	87-11-063	308-56A-125	AMD-P	87-04-069	308-94	AMD	87-03-041
308-48-200	AMD-P	87-21-063	308-56A-155	NEW-P	87-04-069	308-94-010	AMD	87-03-041
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308-94-035	NEW-P	87-20-092	308-99-040	AMD-E	87-16-022	308-124A-210	REP	87-20-091
308-94-040	AMD	87-03-041	308-99-040	AMD	87-21-013	308-124A-410	AMD-P	87-17-068
308-94-050	AMD	87-03-041	308-100-010	AMD-E	87-12-024	308-124A-410	AMD	87-20-091
308-94-060	REP	87-03-041	308-100-010	AMD-P	87-15-139	308-124A-420	AMD-P	87-17-068
308-94-070	AMD	87-03-041	308-100-010	AMD	87-19-129	308-124A-420	AMD	87-20-091
308-94-080	AMD	87-03-041	308-104-004	NEW-P	87-15-139	308-124A-450	AMD-P	87-17-068
308-94-100	AMD	87-03-041	308-104-004	NEW	87-19-129	308-124A-450	AMD	87-20-091
308-94-110	AMD	87-03-041	308-104-006	NEW-P	87-15-139	308-124A-460	NEW-P	87-14-054
308-94-160	AMD	87-03-041	308-104-006	NEW	87-19-129	308-124A-460	NEW	87-17-051
308-94-170	AMD	87-03-041	308-104-008	NEW-P	87-15-139	308-124A-470	NEW-E	87-16-020
308-94-180	REP	87-03-041	308-104-008	NEW	87-19-129	308-124B-040	REP-P	87-17-068
308-94-181	NEW	87-03-041	308-104-050	AMD-P	87-15-139	308-124B-040	REP	87-20-091
308-94-190	REP	87-03-041	308-104-050	AMD	87-19-129	308-124B-100	AMD-P	87-17-068
308-94-191	NEW	87-03-041	308-115-140	AMD-P	87-16-106	308-124B-100	AMD	87-20-091
308-94-200	AMD	87-03-041	308-115-140	AMD	87-21-011	308-124B-120	AMD-P	87-17-068
308-94-210	AMD	87-03-041	308-115-405	AMD-P	87-07-046	308-124B-120	AMD	87-20-091
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308-94-230	REP	87-03-041	308-115-405	AMD-E	87-14-088	308-124B-130	AMD	87-20-091
308-94-240	AMD	87-03-041	308-115-405	AMD	87-18-031	308-124B-150	NEW-E	87-20-064
308-94-250	AMD	87-03-041	308-116-325	REP-P	87-07-046	308-124C-010	AMD-P	87-17-068
308-94-260	REP	87-03-041	308-116-325	REP	87-10-028	308-124C-010	AMD	87-20-091
308-94-261	NEW	87-03-041	308-117-130	AMD-P	87-10-067	308-124C-030	AMD-P	87-17-068
308-94-265	NEW	87-03-041	308-117-130	AMD	87-17-021	308-124C-030	AMD	87-20-091
308-94-270	NEW	87-03-041	308-117-200	AMD-P	87-10-067	308-124C-040	AMD-P	87-17-068
308-96A-005	AMD-P	87-04-067	308-117-200	AMD	87-17-021	308-124C-040	AMD	87-20-091
308-96A-005	AMD	87-12-023	308-117-300	AMD-P	87-10-067	308-124D-040	AMD	87-05-065
308-96A-021	NEW-P	87-04-067	308-117-300	AMD	87-17-021	308-124D-050	NEW-P	87-17-068
308-96A-021	NEW	87-12-023	308-117-500	NEW-P	87-07-046	308-124D-050	NEW	87-20-091
308-96A-046	AMD-P	87-21-064	308-117-500	NEW	87-10-028	308-124E-011	AMD-P	87-17-068
308-96A-056	NEW-P	87-21-064	308-120-162	AMD-P	87-15-103	308-124E-011	AMD	87-20-091
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308-96A-062	NEW-P	87-21-064	308-120-186	AMD-P	87-15-103	308-124F-010	AMD	87-20-091
308-96A-065	AMD-P	87-04-067	308-120-275	AMD-P	87-07-046	308-124H-010	AMD-P	87-17-068
308-96A-065	AMD	87-12-023	308-120-275	AMD	87-10-028	308-124H-010	AMD	87-20-091
308-96A-100	AMD-P	87-04-067	308-120-511	AMD-P	87-15-103	308-124H-030	AMD-P	87-17-068
308-96A-100	AMD	87-12-023	308-120-700	NEW-P	87-15-103	308-124H-030	AMD	87-20-091
308-96A-136	NEW-P	87-04-067	308-120-710	NEW-P	87-15-103	308-124H-038	NEW-P	87-17-068
308-96A-136	NEW	87-12-023	308-120-720	NEW-P	87-15-103	308-124H-038	NEW	87-20-091
308-96A-175	NEW-P	87-21-064	308-120-730	NEW-P	87-15-103	308-124H-040	AMD-P	87-17-068
308-96A-205	AMD-P	87-04-067	308-120-740	NEW-P	87-15-103	308-124H-040	AMD	87-20-091
308-96A-205	AMD	87-12-023	308-122-200	AMD-P	87-15-104	308-124H-070	AMD-P	87-17-068
308-96A-220	AMD-P	87-04-067	308-122-200	AMD	87-19-096	308-124H-070	AMD	87-20-091
308-96A-220	AMD	87-12-023	308-122-275	AMD-P	87-07-046	308-127-150	REP-P	87-19-153
308-96A-300	AMD-P	87-04-067	308-122-275	AMD	87-10-028	308-127-150	REP-E	87-20-001
308-96A-300	AMD	87-12-023	308-124-001	AMD-P	87-17-068	308-127-155	NEW-P	87-19-153
308-96A-306	NEW-P	87-04-067	308-124-001	AMD	87-20-091	308-127-155	NEW-E	87-20-001
308-96A-306	NEW	87-12-023	308-124-005	AMD-P	87-17-068	308-128B-080	NEW-P	87-13-056
308-96A-310	AMD-P	87-04-067	308-124-005	AMD	87-20-091	308-128B-080	NEW	87-18-032
308-96A-310	AMD-P	87-21-064	308-124-007	AMD-P	87-17-068	308-138-080	AMD-P	87-07-046
308-96A-325	AMD-P	87-04-067	308-124-007	AMD	87-20-091	308-138-080	AMD	87-10-028
308-96A-325	AMD	87-12-023	308-124-021	AMD-P	87-17-068	308-138-321	NEW-P	87-04-048
308-96A-325	AMD-P	87-21-064	308-124-021	AMD	87-20-091	308-138-321	NEW	87-11-062
308-96A-330	AMD-P	87-04-067	308-124A-010	AMD-P	87-17-068	308-138-322	NEW-P	87-04-048
308-96A-330	AMD	87-12-023	308-124A-010	AMD	87-20-091	308-138-322	NEW	87-11-062
308-96A-335	AMD-P	87-04-067	308-124A-020	AMD-P	87-17-068	308-138-323	NEW-P	87-04-048
308-96A-335	AMD	87-12-023	308-124A-020	AMD	87-20-091	308-138-323	NEW	87-11-062
308-96A-400	AMD-P	87-04-067	308-124A-025	AMD-P	87-17-068	308-138-324	NEW-P	87-04-048
308-96A-400	AMD	87-12-023	308-124A-025	AMD	87-20-091	308-138-324	NEW	87-11-062
308-96A-410	NEW-P	87-04-067	308-124A-030	AMD-P	87-17-068	308-138-325	NEW-P	87-04-048
308-96A-410	NEW	87-12-023	308-124A-030	AMD	87-20-091	308-138-325	NEW-P	87-14-017
308-96A-415	NEW-P	87-04-067	308-124A-040	AMD-P	87-17-068	308-138-325	NEW-P	87-20-098
308-96A-415	NEW	87-12-023	308-124A-040	AMD	87-20-091	308-138-326	NEW-P	87-04-048
308-96A-420	NEW-P	87-04-067	308-124A-110	AMD-P	87-17-068	308-138-326	NEW	87-11-062
308-96A-420	NEW	87-12-023	308-124A-110	AMD	87-20-091	308-138-327	NEW-P	87-04-048
308-99-010	AMD-P	87-14-087	308-124A-115	NEW-P	87-14-054	308-138-327	NEW	87-11-062
308-99-010	AMD-E	87-16-022	308-124A-115	NEW-E	87-16-020	308-138-328	NEW-P	87-04-048
308-99-010	AMD	87-21-013	308-124A-115	NEW	87-17-051	308-138-328	NEW-P	87-14-017
308-99-020	AMD-P	87-14-087	308-124A-120	AMD-P	87-17-068	308-138-328	NEW-P	87-20-098
308-99-020	AMD-E	87-16-022	308-124A-120	AMD	87-20-091	308-138-330	AMD-P	87-04-048
308-99-020	AMD	87-21-013	308-124A-130	AMD-P	87-17-068	308-138-330	AMD	87-11-062
308-99-021	AMD-P	87-14-087	308-124A-130	AMD	87-20-091	308-138A-020	AMD-P	87-04-048
308-99-021	AMD-E	87-16-022	308-124A-200	AMD-P	87-14-054	308-138A-020	AMD	87-13-004
308-99-021	AMD	87-21-013	308-124A-200	AMD-E	87-16-020	308-138A-020	AMD-P	87-14-046
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308-99-025	AMD-E	87-16-022	308-124A-205	NEW-P	87-17-068	308-138A-025	AMD-P	87-14-046
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308-138B-170	AMD	87-20-099	308-400-095	NEW-E	87-16-057	315-04-190	AMD-P	87-14-057
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308-152-015	REP	87-10-028	308-400-100	NEW-P	87-13-055	315-06-020	AMD-P	87-14-057
308-152-030	NEW-P	87-07-046	308-400-100	NEW-E	87-16-021	315-06-020	AMD	87-17-012
308-152-030	NEW	87-10-028	308-400-100	NEW-E	87-16-057	315-06-120	AMD-P	87-14-057
308-171-001	AMD-P	87-05-062	308-400-100	NEW	87-16-059	315-06-120	AMD	87-17-012
308-171-001	AMD	87-09-044	308-400-110	NEW-P	87-13-055	315-10-060	AMD-P	87-14-057
308-171-002	AMD-P	87-05-062	308-400-110	NEW-E	87-16-021	315-10-060	AMD	87-17-012
308-171-002	AMD	87-09-044	308-400-110	NEW-E	87-16-057	315-11-200	REP-P	87-21-094
308-171-003	NEW-P	87-05-062	308-400-110	NEW	87-16-059	315-11-201	REP-P	87-21-094
308-171-003	NEW	87-09-044	314-12-025	NEW-P	87-13-060	315-11-202	REP-P	87-21-094
308-171-010	AMD-P	87-05-062	314-12-025	NEW	87-16-002	315-11-210	REP-P	87-21-094
308-171-010	AMD	87-09-044	314-12-070	AMD-P	87-13-060	315-11-211	REP-P	87-21-094
308-171-020	AMD-P	87-05-062	314-12-070	AMD	87-16-002	315-11-212	REP-P	87-21-094
308-171-020	AMD	87-09-044	314-12-140	AMD	87-04-018	315-11-220	REP-P	87-21-094
308-171-030	AMD	87-04-015	314-12-145	NEW-E	87-11-043	315-11-221	REP-P	87-21-094
308-171-030	REP-P	87-07-046	314-12-145	NEW-P	87-11-044	315-11-222	REP-P	87-21-094
308-171-030	REP	87-10-028	314-12-145	NEW	87-14-009	315-11-230	REP-P	87-21-094
308-171-040	AMD	87-04-015	314-12-150	AMD-P	87-11-019	315-11-231	REP-P	87-21-094
308-171-310	NEW-P	87-07-046	314-12-150	AMD	87-14-010	315-11-232	REP-P	87-21-094
308-171-310	NEW	87-10-028	314-16-020	AMD-P	87-19-108	315-11-240	NEW	87-05-005
308-175-040	AMD-P	87-17-067	314-16-020	AMD	87-22-018	315-11-240	REP-P	87-21-094
308-175-050	AMD-P	87-17-067	314-16-040	AMD-P	87-17-023	315-11-241	NEW	87-05-005
308-175-065	NEW-P	87-17-067	314-16-040	AMD	87-20-014	315-11-241	REP-P	87-21-094
308-175-075	NEW-P	87-17-067	314-16-070	AMD-P	87-22-073	315-11-242	NEW	87-05-005
308-175-085	NEW-P	87-17-067	314-16-115	AMD-P	87-19-107	315-11-242	REP-P	87-21-094
308-175-090	AMD-P	87-17-067	314-16-115	AMD	87-22-017	315-11-250	NEW-P	87-07-050
308-175-095	NEW-P	87-17-067	314-16-155	REP-P	87-18-046	315-11-250	NEW-E	87-07-052
308-175-100	NEW-P	87-17-067	314-16-155	REP	87-21-037	315-11-250	NEW	87-10-043
308-175-105	NEW-P	87-17-067	314-16-160	AMD-C	87-03-025	315-11-250	REP-P	87-21-094
308-175-110	NEW-P	87-17-067	314-16-160	AMD	87-04-017	315-11-251	NEW-P	87-07-050
308-175-115	NEW-P	87-17-067	314-16-205	AMD-P	87-13-012	315-11-251	NEW-E	87-07-052
308-175-120	NEW-P	87-17-067	314-16-205	AMD	87-15-110	315-11-251	NEW	87-10-043
308-175-125	NEW-P	87-17-067	314-16-240	NEW-P	87-12-027	315-11-251	AMD-E	87-12-007
308-175-130	NEW-P	87-17-067	314-16-240	NEW-E	87-15-112	315-11-251	REP-P	87-21-094
308-175-135	NEW-P	87-17-067	314-16-240	NEW	87-15-113	315-11-252	NEW-P	87-07-050
308-175-140	NEW-P	87-17-067	314-20-020	AMD-P	87-05-045	315-11-252	NEW-E	87-07-052
308-180-100	AMD-E	87-03-013	314-20-020	AMD	87-08-015	315-11-252	NEW	87-10-043
308-180-100	AMD	87-06-050	314-20-020	AMD-P	87-18-047	315-11-252	REP-P	87-21-094
308-180-100	REP-P	87-07-046	314-20-020	AMD	87-21-036	315-11-260	NEW-P	87-07-050
308-180-100	REP-P	87-13-057	314-20-050	AMD-P	87-17-062	315-11-260	NEW	87-10-043
308-180-100	REP-E	87-14-088	314-20-050	AMD	87-20-013	315-11-261	NEW-P	87-07-050
308-180-100	REP	87-18-031	314-24-090	AMD-P	87-05-044	315-11-261	NEW	87-10-043
308-180-130	NEW-E	87-03-013	314-24-090	AMD	87-08-016	315-11-262	NEW-P	87-07-050
308-180-130	NEW	87-06-050	314-24-090	AMD-P	87-18-047	315-11-262	NEW	87-10-043
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308-180-140	NEW	87-06-050	314-24-095	NEW-E	87-12-020	315-11-270	NEW	87-10-043
308-180-150	NEW-E	87-03-013	314-24-095	NEW-P	87-12-028	315-11-271	NEW-P	87-07-050
308-180-150	NEW	87-06-050	314-24-095	NEW	87-15-016	315-11-271	NEW	87-10-043
308-180-160	NEW-E	87-03-013	314-24-110	AMD-P	87-13-013	315-11-272	NEW-P	87-07-050
308-180-160	NEW	87-06-050	314-24-110	AMD	87-15-111	315-11-272	NEW	87-10-043
308-180-170	NEW-E	87-03-013	314-24-150	AMD-P	87-17-062	315-11-280	NEW-P	87-14-058
308-180-170	NEW	87-06-050	314-24-150	AMD	87-20-013	315-11-280	NEW	87-17-047
308-180-190	NEW-E	87-03-013	314-24-190	AMD-P	87-13-013	315-11-281	NEW-P	87-14-058
308-180-190	NEW	87-06-050	314-24-190	AMD	87-15-111	315-11-281	NEW	87-17-047
308-180-200	NEW-E	87-03-013	314-24-200	AMD-P	87-13-013	315-11-282	NEW-P	87-14-058
308-180-200	NEW	87-06-050	314-24-200	AMD	87-15-111	315-11-282	NEW	87-17-047
308-180-210	NEW-E	87-03-013	314-24-210	AMD-P	87-13-059	315-11-290	NEW-P	87-14-058
308-180-210	NEW	87-06-050	314-24-210	AMD	87-16-003	315-11-290	NEW	87-17-047
308-180-220	NEW-E	87-03-013	314-27	REVIEW	87-03-034	315-11-291	NEW-P	87-14-058
308-180-220	NEW	87-06-050	314-27-010	REVIEW	87-03-034	315-11-291	NEW	87-17-047
308-180-230	NEW-E	87-03-013	314-36-020	AMD-P	87-04-063	315-11-292	NEW-P	87-14-058
308-180-230	NEW	87-06-050	314-36-020	AMD	87-07-008	315-11-292	NEW	87-17-047
308-180-240	NEW-E	87-03-013	314-36-100	AMD-P	87-04-063	315-11-300	NEW-P	87-21-093
308-180-240	NEW	87-06-050	314-36-100	AMD	87-07-008	315-11-301	NEW-P	87-21-093
308-180-250	NEW-E	87-03-013	314-36-110	AMD-P	87-04-063	315-11-302	NEW-P	87-21-093
308-180-250	NEW	87-06-050	314-36-110	AMD	87-07-008	315-14-010	NEW-P	87-14-058
308-180-260	NEW-P	87-07-046	314-36-150	AMD-P	87-04-063	315-14-010	NEW	87-17-047
308-180-260	NEW-P	87-13-057	314-36-150	AMD	87-07-008	315-30-090	AMD-P	87-14-057
308-180-260	NEW-E	87-14-088	314-40-040	AMD-P	87-22-072	315-30-090	AMD	87-17-012
308-180-260	NEW	87-18-031	314-52-114	AMD	87-04-026	315-32-040	AMD-P	87-17-066
308-190-010	NEW-P	87-13-053	315-02-020	AMD	87-05-005	315-32-040	AMD-C	87-20-002
308-190-010	NEW	87-18-033	315-04-070	AMD-P	87-07-051	315-32-040	AMD	87-22-032
308-190-020	NEW-P	87-16-106	315-04-070	AMD	87-10-043	315-32-050	AMD-P	87-17-066
308-190-020	NEW	87-21-011	315-04-090	AMD-P	87-07-051	315-32-050	AMD-C	87-20-002
308-400-095	NEW-P	87-13-055	315-04-090	AMD	87-10-043	315-32-050	AMD	87-22-032

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
315-32-060	AMD-P	87-17-066	320-12-030	AMD-P	87-10-069	332-16-040	REP	87-21-007
315-32-060	AMD-C	87-20-002	320-12-030	AMD	87-14-047	332-16-045	NEW-P	87-15-101
315-32-060	AMD	87-22-032	320-12-050	AMD-P	87-10-069	332-16-045	NEW-C	87-20-066
320-08-001	NEW-P	87-10-068	320-12-050	AMD	87-14-047	332-16-045	NEW-E	87-21-004
320-08-001	NEW	87-14-053	320-12-060	AMD-P	87-10-069	332-16-045	NEW	87-21-005
320-08-010	AMD-P	87-10-068	320-12-060	AMD	87-14-047	332-16-050	REP-P	87-15-102
320-08-010	AMD	87-14-053	320-12-070	AMD-P	87-10-069	332-16-050	REP-C	87-20-067
320-08-030	AMD-P	87-10-068	320-12-070	AMD	87-14-047	332-16-050	REP-E	87-21-006
320-08-030	AMD	87-14-053	320-16-001	REP-P	87-10-069	332-16-050	REP	87-21-007
320-08-040	AMD-P	87-10-068	320-16-001	REP	87-14-047	332-16-055	NEW-P	87-15-102
320-08-040	AMD	87-14-053	320-16-010	REP-P	87-10-069	332-16-055	NEW-C	87-20-067
320-08-050	AMD-P	87-10-068	320-16-010	REP	87-14-047	332-16-055	NEW-E	87-21-006
320-08-050	AMD	87-14-053	320-16-015	REP-P	87-10-069	332-16-055	NEW	87-21-007
320-08-055	NEW-P	87-10-068	320-16-015	REP	87-14-047	332-16-060	REP-P	87-15-102
320-08-055	NEW	87-14-053	320-20-010	AMD-P	87-10-069	332-16-060	REP-C	87-20-067
320-08-070	AMD-P	87-10-068	320-20-010	AMD	87-14-047	332-16-060	REP-E	87-21-006
320-08-070	AMD	87-14-053	320-20-020	AMD-P	87-10-069	332-16-060	REP	87-21-007
320-08-080	AMD-P	87-10-068	320-20-020	AMD	87-14-047	332-16-065	NEW-P	87-15-102
320-08-080	AMD	87-14-053	320-20-030	AMD-P	87-10-069	332-16-065	NEW-C	87-20-067
320-08-090	AMD-P	87-10-068	320-20-030	AMD	87-14-047	332-16-065	NEW-E	87-21-006
320-08-090	AMD	87-14-053	320-20-060	REP-P	87-10-069	332-16-065	NEW	87-21-007
320-08-100	AMD-P	87-10-068	320-20-060	REP	87-14-047	332-16-070	AMD-E	87-15-100
320-08-100	AMD	87-14-053	322-12-010	AMD	87-04-035	332-16-070	REP-P	87-15-102
320-08-140	AMD-P	87-10-068	323-12-010	NEW	87-05-014	332-16-070	REP-C	87-20-067
320-08-140	AMD	87-14-053	323-12-020	NEW	87-05-014	332-16-070	REP-E	87-21-006
320-08-160	AMD-P	87-10-068	323-12-030	NEW	87-05-014	332-16-070	REP	87-21-007
320-08-160	AMD	87-14-053	323-12-040	NEW	87-05-014	332-16-075	NEW-P	87-15-102
320-08-180	AMD-P	87-10-068	323-12-050	NEW	87-05-014	332-16-075	NEW-C	87-20-067
320-08-180	AMD	87-14-053	323-12-060	NEW	87-05-014	332-16-075	NEW-E	87-21-006
320-08-190	AMD-P	87-10-068	323-12-070	NEW	87-05-014	332-16-075	NEW	87-21-007
320-08-190	AMD	87-14-053	323-12-080	NEW	87-05-014	332-16-080	REP-P	87-15-102
320-08-200	AMD-P	87-10-068	323-12-090	NEW	87-05-014	332-16-080	REP-C	87-20-067
320-08-200	AMD	87-14-053	323-12-100	NEW	87-05-014	332-16-080	REP-E	87-21-006
320-08-210	AMD-P	87-10-068	323-12-110	NEW	87-05-014	332-16-080	REP	87-21-007
320-08-210	AMD	87-14-053	323-12-120	NEW	87-05-014	332-16-085	NEW-P	87-15-102
320-08-260	AMD-P	87-10-068	326-02-030	AMD-P	87-15-143	332-16-085	NEW-C	87-20-067
320-08-260	AMD	87-14-053	326-02-030	AMD	87-18-030	332-16-085	NEW-E	87-21-006
320-08-270	AMD-P	87-10-068	326-02-030	AMD-P	87-20-088	332-16-085	NEW	87-21-007
320-08-270	AMD	87-14-053	326-20-010	AMD-P	87-15-143	332-16-090	REP-P	87-15-102
320-08-300	AMD-P	87-10-068	326-20-010	AMD	87-18-030	332-16-090	REP-C	87-20-067
320-08-300	AMD	87-14-053	326-20-050	AMD-P	87-15-143	332-16-090	REP-E	87-21-006
320-08-310	AMD-P	87-10-068	326-20-050	AMD	87-18-030	332-16-090	REP	87-21-007
320-08-310	AMD	87-14-053	326-20-080	AMD-P	87-15-143	332-16-095	NEW-P	87-15-102
320-08-350	AMD-P	87-10-068	326-20-080	AMD	87-18-030	332-16-095	NEW-C	87-20-067
320-08-350	AMD	87-14-053	326-20-090	REP-E	87-16-066	332-16-095	NEW-E	87-21-006
320-08-370	AMD-P	87-10-068	326-20-090	REP-P	87-20-088	332-16-095	NEW	87-21-007
320-08-370	AMD	87-14-053	326-20-300	NEW-E	87-16-065	332-16-100	AMD-E	87-15-100
320-08-380	AMD-P	87-10-068	326-20-300	NEW-P	87-20-088	332-16-100	REP-P	87-15-102
320-08-380	AMD	87-14-053	326-30-039	NEW-E	87-13-037	332-16-100	REP-C	87-20-067
320-08-390	AMD-P	87-10-068	326-30-039	NEW-P	87-15-143	332-16-100	REP-E	87-21-006
320-08-390	AMD	87-14-053	326-30-039	NEW-E	87-18-028	332-16-100	REP	87-21-007
320-08-400	AMD-P	87-10-068	326-30-039	NEW	87-18-029	332-16-105	NEW-P	87-15-102
320-08-400	AMD	87-14-053	332-10-180	AMD-P	87-15-101	332-16-105	NEW-C	87-20-067
320-08-410	AMD-P	87-10-068	332-10-180	AMD-C	87-20-066	332-16-105	NEW-E	87-21-006
320-08-410	AMD	87-14-053	332-10-180	AMD-E	87-21-004	332-16-105	NEW	87-21-007
320-08-420	AMD-P	87-10-068	332-10-180	AMD	87-21-005	332-16-110	REP-P	87-15-102
320-08-420	AMD	87-14-053	332-16-010	REP-P	87-15-102	332-16-110	REP-C	87-20-067
320-08-430	AMD-P	87-10-068	332-16-010	REP-C	87-20-067	332-16-110	REP-E	87-21-006
320-08-430	AMD	87-14-053	332-16-010	REP-E	87-21-006	332-16-110	REP	87-21-007
320-08-440	AMD-P	87-10-068	332-16-010	REP	87-21-007	332-16-115	NEW-P	87-15-102
320-08-440	AMD	87-14-053	332-16-020	REP-P	87-15-102	332-16-115	NEW-C	87-20-067
320-08-445	NEW-P	87-10-068	332-16-020	REP-C	87-20-067	332-16-115	NEW-E	87-21-006
320-08-445	NEW	87-14-053	332-16-020	REP-E	87-21-006	332-16-115	NEW	87-21-007
320-08-450	AMD-P	87-10-068	332-16-020	REP	87-21-007	332-16-120	REP-P	87-15-102
320-08-450	AMD	87-14-053	332-16-030	REP-P	87-15-102	332-16-120	REP-C	87-20-067
320-08-460	AMD-P	87-10-068	332-16-030	REP-C	87-20-067	332-16-120	REP-E	87-21-006
320-08-460	AMD	87-14-053	332-16-030	REP-E	87-21-006	332-16-120	REP	87-21-007
320-08-470	AMD-P	87-10-068	332-16-030	REP	87-21-007	332-16-125	NEW-P	87-15-102
320-08-470	AMD	87-14-053	332-16-035	NEW-E	87-15-035	332-16-125	NEW-C	87-20-067
320-08-510	AMD-P	87-10-068	332-16-035	NEW-P	87-15-101	332-16-125	NEW-E	87-21-006
320-08-510	AMD	87-14-053	332-16-035	NEW-C	87-20-066	332-16-125	NEW	87-21-007
320-08-520	AMD-P	87-10-068	332-16-035	NEW-E	87-21-004	332-16-130	REP-P	87-15-102
320-08-520	AMD	87-14-053	332-16-035	NEW	87-21-005	332-16-130	REP-C	87-20-067
320-08-530	AMD-P	87-10-068	332-16-040	AMD-E	87-15-100	332-16-130	REP-E	87-21-006
320-08-530	AMD	87-14-053	332-16-040	REP-P	87-15-102	332-16-130	REP	87-21-007
320-08-540	AMD-P	87-10-068	332-16-040	REP-C	87-20-067	332-16-135	NEW-P	87-15-102
320-08-540	AMD	87-14-053	332-16-040	REP-E	87-21-006	332-16-135	NEW-C	87-20-067



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332-16-135	NEW-E	87-21-006	332-16-230	REP-E	87-21-006	332-24-060	REP	87-11-005
332-16-135	NEW	87-21-007	332-16-230	REP	87-21-007	332-24-063	REP-P	87-06-055
332-16-140	REP-P	87-15-102	332-16-235	NEW-P	87-15-102	332-24-063	REP	87-11-005
332-16-140	REP-C	87-20-067	332-16-235	NEW-C	87-20-067	332-24-070	REP-P	87-06-055
332-16-140	REP-E	87-21-006	332-16-235	NEW-E	87-21-006	332-24-070	REP	87-11-005
332-16-140	REP	87-21-007	332-16-235	NEW	87-21-007	332-24-090	REP-P	87-06-055
332-16-145	NEW-P	87-15-102	332-16-240	REP-P	87-15-102	332-24-090	REP	87-11-005
332-16-145	NEW-C	87-20-067	332-16-240	REP-C	87-20-067	332-24-095	REP-P	87-06-055
332-16-145	NEW-E	87-21-006	332-16-240	REP-E	87-21-006	332-24-095	REP	87-11-005
332-16-145	NEW	87-21-007	332-16-240	REP	87-21-007	332-24-100	REP-P	87-06-055
332-16-150	AMD-E	87-15-100	332-16-245	NEW-P	87-15-102	332-24-100	REP	87-11-005
332-16-150	REP-P	87-15-102	332-16-245	NEW-C	87-20-067	332-24-105	REP-P	87-06-055
332-16-150	REP-C	87-20-067	332-16-245	NEW-E	87-21-006	332-24-105	REP	87-11-005
332-16-150	REP-E	87-21-006	332-16-245	NEW	87-21-007	332-24-10501	REP-P	87-06-055
332-16-150	REP	87-21-007	332-16-250	REP-P	87-15-102	332-24-10501	REP	87-11-005
332-16-155	NEW-P	87-15-102	332-16-250	REP-C	87-20-067	332-24-10502	REP-P	87-06-055
332-16-155	NEW-C	87-20-067	332-16-250	REP-E	87-21-006	332-24-10502	REP	87-11-005
332-16-155	NEW-E	87-21-006	332-16-250	REP	87-21-007	332-24-150	REP-P	87-06-055
332-16-155	NEW	87-21-007	332-16-255	NEW-P	87-15-102	332-24-150	REP	87-11-005
332-16-160	REP-P	87-15-102	332-16-255	NEW-C	87-20-067	332-24-160	REP-P	87-06-055
332-16-160	REP-C	87-20-067	332-16-255	NEW-E	87-21-006	332-24-160	REP	87-11-005
332-16-160	REP-E	87-21-006	332-16-255	NEW	87-21-007	332-24-170	REP-P	87-06-055
332-16-160	REP	87-21-007	332-16-260	REP-P	87-15-102	332-24-170	REP	87-11-005
332-16-165	NEW-P	87-15-102	332-16-260	REP-C	87-20-067	332-24-180	REP-P	87-06-055
332-16-165	NEW-C	87-20-067	332-16-260	REP-E	87-21-006	332-24-180	REP	87-11-005
332-16-165	NEW-E	87-21-006	332-16-260	REP	87-21-007	332-24-185	REP-P	87-06-055
332-16-165	NEW	87-21-007	332-16-270	REP-P	87-15-102	332-24-185	REP	87-11-005
332-16-170	REP-P	87-15-102	332-16-270	REP-C	87-20-067	332-24-185001	REP-P	87-06-055
332-16-170	REP-C	87-20-067	332-16-270	REP-E	87-21-006	332-24-185001	REP	87-11-005
332-16-170	REP-E	87-21-006	332-16-270	REP	87-21-007	332-24-190	REP-P	87-06-055
332-16-170	REP	87-21-007	332-16-290	REP-P	87-15-102	332-24-190	REP	87-11-005
332-16-175	NEW-P	87-15-102	332-16-290	REP-C	87-20-067	332-24-192	REP-P	87-06-055
332-16-175	NEW-C	87-20-067	332-16-290	REP-E	87-21-006	332-24-192	REP	87-11-005
332-16-175	NEW-E	87-21-006	332-16-290	REP	87-21-007	332-24-194	REP-P	87-06-055
332-16-175	NEW	87-21-007	332-16-300	REP-P	87-15-102	332-24-194	REP	87-11-005
332-16-180	REP-P	87-15-102	332-16-300	REP-C	87-20-067	332-24-196	REP-P	87-06-055
332-16-180	REP-C	87-20-067	332-16-300	REP-E	87-21-006	332-24-196	REP	87-11-005
332-16-180	REP-E	87-21-006	332-16-300	REP	87-21-007	332-24-197	REP-P	87-06-055
332-16-180	REP	87-21-007	332-16-310	REP-P	87-15-102	332-24-197	REP	87-11-005
332-16-185	NEW-P	87-15-102	332-16-310	REP-C	87-20-067	332-24-200	REP-P	87-06-055
332-16-185	NEW-C	87-20-067	332-16-310	REP-E	87-21-006	332-24-200	REP	87-11-005
332-16-185	NEW-E	87-21-006	332-16-310	REP	87-21-007	332-24-201	NEW-P	87-06-055
332-16-185	NEW	87-21-007	332-16-320	REP-P	87-15-102	332-24-201	NEW	87-11-005
332-16-190	REP-P	87-15-102	332-16-320	REP-C	87-20-067	332-24-205	NEW-P	87-06-055
332-16-190	REP-C	87-20-067	332-16-320	REP-E	87-21-006	332-24-205	NEW	87-11-005
332-16-190	REP-E	87-21-006	332-16-320	REP	87-21-007	332-24-210	REP-P	87-06-055
332-16-190	REP	87-21-007	332-16-330	REP-P	87-15-102	332-24-210	REP	87-11-005
332-16-195	NEW-P	87-15-102	332-16-330	REP-C	87-20-067	332-24-211	NEW-P	87-06-055
332-16-195	NEW-C	87-20-067	332-16-330	REP-E	87-21-006	332-24-211	NEW	87-11-005
332-16-195	NEW-E	87-21-006	332-16-330	REP	87-21-007	332-24-215	NEW-P	87-06-055
332-16-195	NEW	87-21-007	332-16-340	REP-P	87-15-102	332-24-215	NEW	87-11-005
332-16-200	REP-P	87-15-102	332-16-340	REP-C	87-20-067	332-24-220	REP-P	87-06-055
332-16-200	REP-C	87-20-067	332-16-340	REP-E	87-21-006	332-24-220	NEW	87-11-005
332-16-200	REP-E	87-21-006	332-16-340	REP	87-21-007	332-24-221	NEW-P	87-06-055
332-16-200	REP	87-21-007	332-24-001	REP-P	87-06-055	332-24-221	NEW	87-11-005
332-16-205	NEW-P	87-15-102	332-24-001	REP	87-11-005	332-24-225	NEW-P	87-06-055
332-16-205	NEW-C	87-20-067	332-24-005	NEW-P	87-06-055	332-24-225	NEW	87-11-005
332-16-205	NEW-E	87-21-006	332-24-005	NEW	87-11-005	332-24-230	REP-P	87-06-055
332-16-205	NEW	87-21-007	332-24-015	NEW-P	87-06-055	332-24-230	REP	87-11-005
332-16-210	REP-P	87-15-102	332-24-015	NEW	87-11-005	332-24-231	NEW-P	87-06-055
332-16-210	REP-C	87-20-067	332-24-020	REP-P	87-06-055	332-24-231	NEW	87-11-005
332-16-210	REP-E	87-21-006	332-24-020	REP	87-11-005	332-24-232	NEW-P	87-06-055
332-16-210	REP	87-21-007	332-24-025	REP-P	87-06-055	332-24-232	NEW	87-11-005
332-16-215	NEW-P	87-15-102	332-24-025	REP	87-11-005	332-24-234	NEW-P	87-06-055
332-16-215	NEW-C	87-20-067	332-24-027	REP-P	87-06-055	332-24-234	NEW	87-11-005
332-16-215	NEW-E	87-21-006	332-24-027	REP	87-11-005	332-24-236	NEW-P	87-06-055
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332-16-220	REP-P	87-15-102	332-24-055	REP	87-11-005	332-24-238	NEW-P	87-06-055
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332-16-225	NEW-E	87-21-006	332-24-058	REP	87-11-005	332-24-244	NEW-P	87-06-055
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356-42-084	AMD-P	87-04-036	365-100-010	AMD-E	87-10-019	365-170-010	NEW	87-04-007
356-42-084	AMD-C	87-07-035	365-100-010	AMD	87-10-020	365-170-020	NEW	87-04-007
356-42-084	AMD-P	87-10-036	365-100-020	AMD-E	87-03-035	365-170-030	NEW	87-04-007
356-42-084	AMD-C	87-11-034	365-100-020	AMD-P	87-03-043	365-170-040	NEW	87-04-007
356-42-084	AMD-C	87-13-038	365-100-020	AMD-E	87-10-019	365-170-050	NEW	87-04-007
356-42-084	AMD-C	87-15-044	365-100-020	AMD	87-10-020	365-170-060	NEW	87-04-007
356-42-084	AMD-C	87-19-049	365-100-030	AMD-E	87-03-035	365-170-070	NEW	87-04-007
356-42-105	NEW-P	87-10-036	365-100-030	AMD-P	87-03-043	365-170-080	NEW	87-04-007
356-42-105	NEW-C	87-13-038	365-100-030	AMD-E	87-10-019	365-170-090	NEW	87-04-007
356-42-105	NEW-C	87-15-044	365-100-030	AMD	87-10-020	365-170-100	NEW	87-04-007
356-42-105	NEW-C	87-19-049	365-100-040	AMD-E	87-03-035	365-180-010	NEW-P	87-19-158
356-46-020	AMD-P	87-02-045	365-100-040	AMD-P	87-03-043	365-180-020	NEW-P	87-19-158
356-46-020	AMD	87-06-032	365-100-040	AMD-E	87-10-019	365-180-030	NEW-P	87-19-158
356-46-125	NEW-P	87-22-044	365-100-040	AMD	87-10-020	365-180-040	NEW-P	87-19-158
358-20-040	AMD-P	87-16-078	365-110-020	AMD-E	87-14-049	365-180-050	NEW-P	87-19-158
358-20-040	AMD	87-20-035	365-110-020	AMD-E	87-16-104	365-180-060	NEW-P	87-19-158
358-30-015	NEW-P	87-16-078	365-110-020	AMD-P	87-16-105	365-180-070	NEW-P	87-19-158
358-30-015	NEW	87-20-035	365-110-020	AMD	87-19-110	365-180-080	NEW-P	87-19-158
360-10-010	AMD-P	87-05-063	365-110-030	AMD-E	87-16-104	365-180-090	NEW-P	87-19-158
360-10-010	AMD-P	87-08-064	365-110-030	AMD-P	87-16-105	381	AMD	87-14-013
360-10-010	AMD-P	87-18-065	365-110-030	AMD	87-19-110	388-15-020	AMD-P	87-19-089
360-10-020	AMD-P	87-05-063	365-110-035	AMD-E	87-14-049	388-15-020	AMD	87-22-091
360-10-020	AMD-P	87-08-064	365-110-035	AMD-E	87-16-104	388-15-136	AMD-E	87-19-120
360-10-020	AMD-P	87-18-065	365-110-035	AMD-P	87-16-105	388-15-136	AMD-P	87-19-121
360-10-030	AMD-P	87-05-063	365-110-035	AMD	87-19-110	388-15-137	REP-E	87-19-120
360-10-030	AMD-P	87-08-064	365-110-050	AMD-E	87-14-049	388-15-137	REP-P	87-19-121
360-10-030	AMD-P	87-18-065	365-110-050	AMD-E	87-16-104	388-15-138	REP-E	87-19-120
360-10-040	AMD-P	87-05-063	365-110-050	AMD-P	87-16-105	388-15-138	REP-P	87-19-121
360-10-040	AMD-P	87-08-064	365-110-050	AMD	87-19-110	388-15-139	REP-E	87-19-120
360-10-040	AMD-P	87-18-065	365-110-070	NEW-E	87-14-049	388-15-139	REP-P	87-19-121
360-10-050	AMD-P	87-05-063	365-110-080	AMD-E	87-14-049	388-15-209	AMD-P	87-18-055
360-10-050	AMD-P	87-08-064	365-110-080	AMD-E	87-16-104	388-15-209	AMD-E	87-18-056
360-10-050	AMD-P	87-18-065	365-110-080	AMD-P	87-16-105	388-15-209	AMD	87-22-013
360-10-060	AMD-P	87-05-063	365-110-080	AMD	87-19-110	388-15-212	AMD-P	87-18-055
360-10-060	AMD-P	87-08-064	365-120-010	AMD-P	87-15-034	388-15-212	AMD-E	87-18-056
360-10-060	AMD-P	87-18-065	365-120-010	AMD	87-19-112	388-15-212	AMD	87-22-013
360-10-070	REP-P	87-05-063	365-120-030	AMD-P	87-15-034	388-15-213	AMD-P	87-18-055
360-10-070	REP-P	87-08-064	365-120-030	AMD	87-19-112	388-15-213	AMD-E	87-18-056
360-10-070	REP-P	87-18-065	365-120-040	AMD-P	87-15-034	388-15-213	AMD	87-22-013
360-10-080	AMD-P	87-05-063	365-120-040	AMD	87-19-112	388-15-600	AMD-P	87-20-079
360-10-080	AMD-P	87-08-064	365-120-050	AMD-P	87-15-034	388-15-610	AMD-P	87-20-079
360-10-080	AMD-P	87-18-065	365-120-050	AMD	87-19-112	388-15-620	AMD-P	87-20-079
360-12-015	AMD-P	87-15-138	365-120-060	AMD-P	87-15-034	388-15-630	AMD-P	87-20-079
360-12-015	AMD	87-18-066	365-120-060	AMD	87-19-112	388-15-690	NEW-P	87-22-083
360-12-020	REP-P	87-15-138	365-135-010	NEW-E	87-15-002	388-15-695	NEW-P	87-22-083
360-12-020	REP	87-18-066	365-135-010	NEW-P	87-16-097	388-15-700	NEW-P	87-22-083
360-12-050	AMD-P	87-15-138	365-135-010	NEW-E	87-16-098	388-15-705	NEW-P	87-22-083
360-12-050	AMD	87-18-066	365-135-010	NEW	87-19-082	388-15-710	NEW-P	87-22-083
360-12-150	AMD-P	87-15-138	365-135-020	NEW-E	87-15-002	388-15-715	NEW-P	87-22-083
360-12-150	AMD	87-18-066	365-135-020	NEW-P	87-16-097	388-17-500	NEW	87-03-015
360-13-045	AMD-P	87-15-138	365-135-020	NEW-E	87-16-098	388-17-510	NEW	87-03-015
360-13-045	AMD	87-18-066	365-135-020	NEW	87-19-082	388-24-040	AMD-P	87-19-151
360-16-235	NEW-P	87-05-063	365-135-030	NEW-E	87-15-002	388-24-050	AMD-P	87-10-010
360-16-235	NEW	87-08-031	365-135-030	NEW-P	87-16-097	388-24-107	AMD-P	87-09-086
360-16-240	REP-P	87-05-063	365-135-030	NEW-E	87-16-098	388-24-107	AMD	87-12-058
360-16-240	REP	87-08-031	365-135-030	NEW	87-19-082	388-24-250	AMD-P	87-10-064
360-16-245	AMD-P	87-05-063	365-135-040	NEW-E	87-15-002	388-24-250	AMD	87-13-077
360-16-245	AMD	87-08-031	365-135-040	NEW-P	87-16-097	388-24-253	AMD-P	87-10-064
360-18-020	AMD-P	87-15-138	365-135-040	NEW-E	87-16-098	388-24-253	AMD	87-13-077
360-18-020	AMD	87-18-066	365-135-040	NEW	87-19-082	388-24-254	AMD-P	87-10-064
360-36-010	AMD-P	87-07-049	365-135-050	NEW-E	87-15-002	388-24-254	AMD	87-13-077
360-36-010	AMD	87-10-029	365-135-050	NEW-P	87-16-097	388-24-255	AMD-P	87-10-064
360-36-409	NEW-E	87-08-028	365-135-050	NEW-E	87-16-098	388-24-255	AMD	87-13-077
360-46-080	REP-P	87-18-065	365-135-050	NEW	87-19-082	388-24-260	AMD-P	87-10-064
360-46-081	NEW-P	87-18-065	365-135-060	NEW-P	87-16-097	388-24-260	AMD	87-13-077
360-46-082	NEW-P	87-18-065	365-135-060	NEW-E	87-16-098	388-24-265	AMD-P	87-10-064
360-49-040	AMD-P	87-15-138	365-135-060	NEW	87-19-082	388-24-265	AMD	87-13-077
360-49-040	AMD	87-18-066	365-140-010	AMD-P	87-15-033	388-24-270	REP-P	87-10-064
360-60-010	NEW-P	87-18-065	365-140-010	AMD	87-19-113	388-24-270	REP	87-13-077
360-60-020	NEW-P	87-18-065	365-140-030	AMD-P	87-15-033	388-24-276	REP-P	87-10-064
360-60-030	NEW-P	87-18-065	365-140-030	AMD	87-19-113	388-24-276	REP	87-13-077
360-60-040	NEW-P	87-18-065	365-140-040	AMD-P	87-15-033	388-26-025	AMD-P	87-16-088
365-40-020	AMD-P	87-19-159	365-140-040	AMD	87-19-113	388-26-025	AMD	87-19-094
365-40-051	AMD-P	87-19-159	365-140-050	AMD-P	87-15-033	388-26-040	AMD-P	87-16-088
365-40-071	AMD-P	87-19-159	365-140-050	AMD	87-19-113	388-26-040	AMD	87-19-094
365-100-010	AMD-E	87-03-035	365-140-060	AMD-P	87-15-033	388-26-050	AMD-P	87-16-088

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388-26-055	AMD-P	87-16-088	388-37-060	REP-E	87-14-027	388-49-330	NEW-P	87-21-077
388-26-055	AMD	87-19-094	388-37-060	REP	87-18-005	388-49-340	NEW-P	87-21-077
388-26-060	AMD-P	87-16-088	388-37-120	AMD-P	87-13-079	388-49-350	NEW-P	87-21-077
388-26-060	AMD	87-19-094	388-37-120	AMD-E	87-14-027	388-49-360	NEW-P	87-21-077
388-26-065	AMD-P	87-16-088	388-37-120	AMD	87-18-005	388-49-380	NEW-P	87-21-077
388-26-065	AMD	87-19-094	388-37-135	AMD-P	87-13-079	388-49-390	NEW-P	87-21-077
388-26-070	AMD-P	87-16-088	388-37-135	AMD-E	87-14-027	388-49-400	NEW-P	87-21-077
388-26-070	AMD	87-19-094	388-37-135	AMD	87-18-005	388-49-410	NEW-P	87-21-077
388-26-080	AMD-P	87-16-088	388-37-140	AMD-P	87-13-079	388-49-420	NEW-P	87-21-077
388-26-080	AMD	87-19-094	388-37-140	AMD-E	87-14-027	388-49-430	NEW-P	87-21-077
388-26-105	AMD-P	87-16-088	388-37-140	AMD	87-18-005	388-49-440	NEW-P	87-21-077
388-26-105	AMD	87-19-094	388-40	AMD-P	87-13-080	388-49-450	NEW-P	87-21-077
388-26-120	AMD-P	87-16-088	388-40	AMD-E	87-14-026	388-49-460	NEW-P	87-21-077
388-26-120	AMD	87-19-094	388-40	AMD	87-18-006	388-49-470	NEW-P	87-21-077
388-28-464	AMD-P	87-16-089	388-40-010	AMD-P	87-13-080	388-49-480	NEW-P	87-21-077
388-28-464	AMD	87-19-092	388-40-010	AMD-E	87-14-026	388-49-490	NEW-P	87-21-077
388-28-500	AMD-E	87-16-067	388-40-010	AMD	87-18-006	388-49-500	NEW-P	87-21-077
388-28-500	AMD-P	87-16-068	388-40-020	NEW-P	87-13-080	388-49-510	NEW-P	87-21-077
388-28-500	AMD	87-19-090	388-40-020	NEW-E	87-14-026	388-49-520	NEW-P	87-21-077
388-28-560	AMD-P	87-22-084	388-40-020	NEW	87-18-006	388-49-530	NEW-P	87-21-077
388-28-575	AMD-P	87-22-085	388-40-030	NEW-P	87-13-080	388-49-550	NEW-P	87-21-077
388-29-295	AMD-P	87-22-086	388-40-030	NEW-E	87-14-026	388-49-560	NEW-P	87-21-077
388-31-010	NEW-P	87-16-025	388-40-030	NEW	87-18-006	388-49-570	NEW-P	87-21-077
388-31-010	NEW-E	87-16-028	388-40-040	NEW-P	87-13-080	388-49-580	NEW-P	87-21-077
388-31-010	NEW	87-19-093	388-40-040	NEW-E	87-14-026	388-49-590	NEW-P	87-21-077
388-31-015	NEW-P	87-16-025	388-40-040	NEW	87-18-006	388-49-600	NEW-P	87-21-077
388-31-015	NEW-E	87-16-028	388-40-050	NEW-P	87-13-080	388-49-610	NEW-P	87-21-077
388-31-015	NEW	87-19-093	388-40-050	NEW-E	87-14-026	388-49-620	NEW-P	87-21-077
388-31-020	NEW-P	87-16-025	388-40-050	NEW	87-18-006	388-49-630	NEW-P	87-21-077
388-31-020	NEW-E	87-16-028	388-40-060	NEW-P	87-13-080	388-49-640	NEW-P	87-21-077
388-31-020	NEW	87-19-093	388-40-060	NEW-E	87-14-026	388-49-650	NEW-P	87-21-077
388-31-025	NEW-P	87-16-025	388-40-060	NEW	87-18-006	388-49-660	NEW-P	87-21-077
388-31-025	NEW-E	87-16-028	388-40-070	NEW-P	87-13-080	388-49-670	NEW-P	87-21-077
388-31-025	NEW	87-19-093	388-40-070	NEW-E	87-14-026	388-49-680	NEW-P	87-21-077
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388-31-030	NEW	87-19-093	388-40-080	NEW-E	87-14-026	388-53-010	AMD-E	87-09-020
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388-31-035	NEW-E	87-16-028	388-40-090	NEW-P	87-13-080	388-53-010	AMD	87-12-053
388-31-035	NEW	87-19-093	388-40-090	NEW-E	87-14-026	388-53-020	REP-E	87-09-020
388-33-400	AMD-P	87-13-078	388-40-090	NEW	87-18-006	388-53-020	REP-P	87-09-021
388-33-400	AMD	87-18-007	388-40-100	NEW-P	87-13-080	388-53-020	REP	87-12-053
388-33-420	AMD-P	87-13-078	388-40-100	NEW-E	87-14-026	388-53-030	REP-E	87-09-020
388-33-420	AMD	87-18-007	388-40-100	NEW	87-18-006	388-53-030	REP-P	87-09-021
388-33-455	AMD-P	87-13-078	388-42-150	AMD-P	87-21-051	388-53-030	REP	87-12-053
388-33-455	AMD	87-18-007	388-42-150	AMD-E	87-21-052	388-53-040	REP-E	87-09-020
388-37-010	AMD-P	87-13-079	388-49-010	NEW-P	87-21-077	388-53-040	REP-P	87-09-021
388-37-010	AMD-E	87-14-027	388-49-015	NEW-P	87-21-077	388-53-040	REP	87-12-053
388-37-010	AMD	87-18-005	388-49-020	NEW-P	87-21-077	388-53-050	AMD-E	87-09-020
388-37-020	AMD-P	87-13-079	388-49-030	NEW-P	87-21-077	388-53-050	AMD-P	87-09-021
388-37-020	AMD-E	87-14-027	388-49-040	NEW-P	87-21-077	388-53-050	AMD	87-12-053
388-37-020	AMD	87-18-005	388-49-050	NEW-P	87-21-077	388-53-060	REP-E	87-09-020
388-37-021	NEW-P	87-13-079	388-49-060	NEW-P	87-21-077	388-53-060	REP-P	87-09-021
388-37-021	NEW-E	87-14-027	388-49-070	NEW-P	87-21-077	388-53-060	REP	87-12-053
388-37-021	NEW	87-18-005	388-49-080	NEW-P	87-21-077	388-53-070	REP-E	87-09-020
388-37-030	AMD-P	87-13-079	388-49-090	NEW-P	87-21-077	388-53-070	REP-P	87-09-021
388-37-030	AMD-E	87-14-027	388-49-100	NEW-P	87-21-077	388-53-070	REP	87-12-053
388-37-030	AMD	87-18-005	388-49-110	NEW-P	87-21-077	388-53-080	REP-E	87-09-020
388-37-032	AMD-P	87-13-079	388-49-120	NEW-P	87-21-077	388-53-080	REP-P	87-09-021
388-37-032	AMD-E	87-14-027	388-49-150	NEW-P	87-21-077	388-53-080	REP	87-12-053
388-37-032	AMD	87-18-005	388-49-160	NEW-P	87-21-077	388-53-090	REP-E	87-09-020
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388-37-035	AMD-E	87-14-027	388-49-180	NEW-P	87-21-077	388-53-090	REP	87-12-053
388-37-035	AMD	87-18-005	388-49-190	NEW-P	87-21-077	388-53-100	REP-E	87-09-020
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388-37-037	AMD-E	87-14-027	388-49-210	NEW-P	87-21-077	388-53-100	REP	87-12-053
388-37-037	AMD	87-18-005	388-49-220	NEW-P	87-21-077	388-53-120	REP-E	87-09-020
388-37-038	AMD-P	87-13-079	388-49-230	NEW-P	87-21-077	388-53-120	REP-P	87-09-021
388-37-038	AMD-E	87-14-027	388-49-240	NEW-P	87-21-077	388-53-120	REP	87-12-053
388-37-038	AMD	87-18-005	388-49-250	NEW-P	87-21-077	388-54-600	REP-P	87-21-077
388-37-040	AMD-P	87-13-079	388-49-260	NEW-P	87-21-077	388-54-601	AMD-P	87-08-045
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388-37-050	AMD-E	87-14-027	388-49-300	NEW-P	87-21-077	388-54-601	REP-P	87-21-077
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388-54-615	REP-P	87-21-077	388-54-745	REP-P	87-21-077	388-83-006	AMD	87-19-091
388-54-620	REP-P	87-21-077	388-54-750	REP-P	87-21-077	388-83-015	AMD-P	87-02-063
388-54-625	REP-P	87-21-077	388-54-755	REP-P	87-21-077	388-83-015	AMD-E	87-03-002
388-54-630	AMD-P	87-06-033	388-54-760	REP-P	87-21-077	388-83-015	AMD	87-06-005
388-54-630	AMD	87-09-028	388-54-765	AMD	87-06-003	388-83-032	NEW-P	87-14-062
388-54-630	REP-P	87-21-077	388-54-765	REP-P	87-21-077	388-83-032	NEW-E	87-14-069
388-54-635	AMD-P	87-12-017	388-54-768	REP-P	87-21-077	388-83-032	NEW	87-17-042
388-54-635	AMD-E	87-12-048	388-54-770	REP-P	87-21-077	388-84-120	AMD-P	87-16-026
388-54-635	AMD	87-15-054	388-54-775	AMD-P	87-09-088	388-84-120	AMD-E	87-16-029
388-54-640	REP-P	87-21-077	388-54-775	AMD-E	87-10-065	388-84-120	AMD	87-19-091
388-54-645	AMD-P	87-09-008	388-54-775	AMD	87-12-057	388-85-105	AMD-P	87-22-087
388-54-645	AMD-E	87-09-009	388-54-776	REP-P	87-21-077	388-86-005	AMD-P	87-09-089
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388-54-645	REP-P	87-21-077	388-54-785	REP-P	87-21-077	388-86-00901	AMD-E	87-03-003
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388-54-655	REP-P	87-21-077	388-54-790	REP-P	87-21-077	388-86-00901	AMD-P	87-19-024
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392-121-107	NEW-P	87-22-075	392-123-145	AMD	87-09-019	392-139-130	NEW-P	87-22-025
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392-139-600	NEW-P 87-22-025	392-162-080	AMD 87-22-001	392-166-255	NEW-E 87-19-034
392-139-605	NEW-P 87-22-025	392-162-085	AMD-P 87-17-039	392-166-255	NEW-P 87-19-133
392-139-610	NEW-P 87-22-025	392-162-085	AMD 87-22-001	392-166-260	NEW-E 87-19-034
392-139-615	NEW-P 87-22-025	392-162-090	AMD-P 87-17-039	392-166-260	NEW-P 87-19-133
392-139-620	NEW-P 87-22-025	392-162-090	AMD 87-22-001	392-166-265	NEW-E 87-19-034
392-139-625	NEW-P 87-22-025	392-162-095	AMD-P 87-17-039	392-166-265	NEW-P 87-19-133
392-139-650	NEW-P 87-22-025	392-162-095	AMD 87-22-001	392-166-270	NEW-E 87-19-034
392-139-660	NEW-P 87-22-025	392-162-100	AMD-P 87-17-039	392-166-270	NEW-P 87-19-133
392-139-665	NEW-P 87-22-025	392-162-100	AMD 87-22-001	392-166-275	NEW-E 87-19-034
392-139-670	NEW-P 87-22-025	392-162-105	AMD-P 87-17-039	392-166-275	NEW-P 87-19-133
392-139-900	NEW-P 87-22-025	392-162-105	AMD 87-22-001	392-185-060	AMD-P 87-13-065
392-140-058	AMD-P 87-04-047	392-162-110	AMD-P 87-17-039	392-185-060	AMD 87-16-034
392-140-058	AMD 87-09-017	392-162-110	AMD 87-22-001	392-195-010	AMD-P 87-22-026
392-140-145	NEW-P 87-22-074	392-162-115	AMD-P 87-17-039	392-195-015	AMD-P 87-22-026
392-140-146	NEW-P 87-22-074	392-162-115	AMD 87-22-001	392-196	AMD-E 87-17-049
392-140-147	NEW-P 87-22-074	392-166-100	NEW-E 87-19-034	392-196	AMD-P 87-19-156
392-140-148	NEW-P 87-22-074	392-166-100	NEW-P 87-19-133	392-196-005	AMD-E 87-17-049
392-140-149	NEW-P 87-22-074	392-166-105	NEW-E 87-19-034	392-196-005	AMD-P 87-19-156
392-140-150	NEW-P 87-22-074	392-166-105	NEW-P 87-19-133	392-196-010	AMD-E 87-17-049
392-140-151	NEW-P 87-22-074	392-166-110	NEW-E 87-19-034	392-196-010	AMD-P 87-19-156
392-140-152	NEW-P 87-22-074	392-166-110	NEW-P 87-19-133	392-196-011	NEW-E 87-17-049
392-140-153	NEW-P 87-22-074	392-166-115	NEW-E 87-19-034	392-196-011	NEW-P 87-19-156
392-140-154	NEW-P 87-22-074	392-166-115	NEW-P 87-19-133	392-196-020	AMD-E 87-17-049
392-140-155	NEW-P 87-22-074	392-166-120	NEW-E 87-19-034	392-196-020	AMD-P 87-19-156
392-140-156	NEW-P 87-22-074	392-166-120	NEW-P 87-19-133	392-196-030	AMD-E 87-17-049
392-140-157	NEW-P 87-22-074	392-166-125	NEW-E 87-19-034	392-196-030	AMD-P 87-19-156
392-140-158	NEW-P 87-22-074	392-166-125	NEW-P 87-19-133	392-196-040	AMD-E 87-17-049
392-140-159	NEW-P 87-22-074	392-166-130	NEW-E 87-19-034	392-196-040	AMD-P 87-19-156
392-162	AMD-P 87-17-039	392-166-130	NEW-P 87-19-133	392-196-045	AMD-E 87-17-049
392-162	AMD 87-22-001	392-166-135	NEW-E 87-19-034	392-196-045	AMD-P 87-19-156
392-162-005	AMD-P 87-17-039	392-166-135	NEW-P 87-19-133	392-196-050	AMD-E 87-17-049
392-162-005	AMD 87-22-001	392-166-140	NEW-E 87-19-034	392-196-050	AMD-P 87-19-156
392-162-010	AMD-P 87-17-039	392-166-140	NEW-P 87-19-133	392-196-051	NEW-E 87-17-049
392-162-010	AMD 87-22-001	392-166-145	NEW-E 87-19-034	392-196-051	NEW-P 87-19-156
392-162-015	AMD-P 87-17-039	392-166-145	NEW-P 87-19-133	392-196-052	NEW-E 87-17-049
392-162-015	AMD 87-22-001	392-166-150	NEW-E 87-19-034	392-196-052	NEW-P 87-19-156
392-162-020	AMD-P 87-17-039	392-166-150	NEW-P 87-19-133	392-196-055	AMD-E 87-17-049
392-162-020	AMD 87-22-001	392-166-155	NEW-E 87-19-034	392-196-055	AMD-P 87-19-156
392-162-025	AMD-P 87-17-039	392-166-155	NEW-P 87-19-133	392-196-060	AMD-E 87-17-049
392-162-025	AMD 87-22-001	392-166-160	NEW-E 87-19-034	392-196-060	AMD-P 87-19-156
392-162-030	AMD-P 87-17-039	392-166-160	NEW-P 87-19-133	392-196-070	AMD-E 87-17-049
392-162-030	AMD 87-22-001	392-166-165	NEW-E 87-19-034	392-196-070	AMD-P 87-19-156
392-162-032	NEW-P 87-17-039	392-166-165	NEW-P 87-19-133	392-196-072	NEW-E 87-17-049
392-162-032	NEW 87-22-001	392-166-170	NEW-E 87-19-034	392-196-072	NEW-P 87-19-156
392-162-035	AMD-P 87-17-039	392-166-170	NEW-P 87-19-133	392-196-075	AMD-E 87-17-049
392-162-035	AMD 87-22-001	392-166-175	NEW-E 87-19-034	392-196-075	AMD-P 87-19-156
392-162-040	AMD-P 87-17-039	392-166-175	NEW-P 87-19-133	392-196-080	AMD-E 87-17-049
392-162-040	AMD 87-22-001	392-166-180	NEW-E 87-19-034	392-196-080	AMD-P 87-19-156
392-162-042	NEW-P 87-17-039	392-166-180	NEW-P 87-19-133	392-196-085	AMD-E 87-17-049
392-162-042	NEW 87-22-001	392-166-185	NEW-E 87-19-034	392-196-085	AMD-P 87-19-156
392-162-044	NEW-P 87-17-039	392-166-185	NEW-P 87-19-133	392-196-090	AMD-E 87-17-049



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-196-090	AMD-P	87-19-156	415-100-020	REP-P	87-03-046	415-104-150	REP-P	87-03-047
392-202-003	NEW-P	87-18-042	415-100-020	REP	87-07-014	415-104-150	REP	87-07-016
392-202-005	NEW-P	87-18-042	415-100-025	NEW-P	87-03-046	415-104-155	NEW-P	87-03-047
392-202-010	NEW-P	87-18-042	415-100-025	NEW	87-07-014	415-104-155	NEW	87-07-016
392-202-015	NEW-P	87-18-042	415-100-035	NEW-P	87-03-046	415-104-160	REP-P	87-03-047
392-202-020	NEW-P	87-18-042	415-100-035	NEW	87-07-014	415-104-160	REP	87-07-016
392-202-025	NEW-P	87-18-042	415-100-040	REP-P	87-03-046	415-104-165	NEW-P	87-03-047
392-202-030	NEW-P	87-18-042	415-100-040	REP	87-07-014	415-104-165	NEW	87-07-016
392-202-035	NEW-P	87-18-042	415-100-050	REP-P	87-03-046	415-104-170	REP-P	87-03-047
392-202-040	NEW-P	87-18-042	415-100-050	REP	87-07-014	415-104-170	REP	87-07-016
392-202-045	NEW-P	87-18-042	415-100-060	REP-P	87-03-046	415-104-175	NEW-P	87-03-047
392-202-050	NEW-P	87-18-042	415-100-060	REP	87-07-014	415-104-175	NEW	87-07-016
392-202-055	NEW-P	87-18-042	415-100-100	REP-P	87-03-046	415-104-180	REP-P	87-03-047
392-202-060	NEW-P	87-18-042	415-100-100	REP	87-07-014	415-104-180	REP	87-07-016
392-202-065	NEW-P	87-18-042	415-100-110	REP-P	87-03-046	415-104-190	REP-P	87-03-047
392-202-070	NEW-P	87-18-042	415-100-110	REP	87-07-014	415-104-190	REP	87-07-016
392-202-075	NEW-P	87-18-042	415-100-120	REP-P	87-03-046	415-104-200	REP-P	87-03-047
392-202-080	NEW-P	87-18-042	415-100-120	REP	87-07-014	415-104-200	REP	87-07-016
392-202-085	NEW-P	87-18-042	415-100-130	REP-P	87-03-046	415-104-210	REP-P	87-03-047
392-202-090	NEW-P	87-18-042	415-100-130	REP	87-07-014	415-104-210	REP	87-07-016
392-202-095	NEW-P	87-18-042	415-100-140	REP-P	87-03-046	415-104-220	REP-P	87-03-047
392-202-100	NEW-P	87-18-042	415-100-140	REP	87-07-014	415-104-220	REP	87-07-016
392-202-105	NEW-P	87-18-042	415-100-150	REP-P	87-03-046	415-104-230	REP-P	87-03-047
392-202-110	NEW-P	87-18-042	415-100-150	REP	87-07-014	415-104-230	REP	87-07-016
392-202-115	NEW-P	87-18-042	415-100-160	REP-P	87-03-046	415-104-240	REP-P	87-03-047
392-202-120	NEW-P	87-18-042	415-100-160	REP	87-07-014	415-104-240	REP	87-07-016
392-202-125	NEW-P	87-18-042	415-100-170	REP-P	87-03-046	415-104-250	REP-P	87-03-047
392-202-130	NEW-P	87-18-042	415-100-170	REP	87-07-014	415-104-250	REP	87-07-016
392-202-135	NEW-P	87-18-042	415-100-180	REP-P	87-03-046	415-104-260	REP-P	87-03-047
392-202-140	NEW-P	87-18-042	415-100-180	REP	87-07-014	415-104-260	REP	87-07-016
399-30-040	AMD-E	87-13-025	415-104	AMD-P	87-03-047	415-104-270	REP-P	87-03-047
399-30-040	AMD-P	87-13-043	415-104	AMD	87-07-016	415-104-270	REP	87-07-016
399-30-040	AMD	87-17-013	415-104-005	NEW-P	87-03-047	415-104-300	REP-P	87-03-047
400-12-100	NEW-P	87-22-065	415-104-005	NEW	87-07-016	415-104-300	REP	87-07-016
400-12-110	NEW-P	87-22-065	415-104-010	REP-P	87-03-047	415-104-310	REP-P	87-03-047
400-12-120	NEW-P	87-22-065	415-104-010	REP	87-07-016	415-104-310	REP	87-07-016
400-12-200	NEW-P	87-22-065	415-104-015	NEW-P	87-03-047	415-104-320	REP-P	87-03-047
400-12-210	NEW-P	87-22-065	415-104-015	NEW	87-07-016	415-104-320	REP	87-07-016
400-12-300	NEW-P	87-22-065	415-104-020	REP-P	87-03-047	415-104-400	REP-P	87-03-047
400-12-310	NEW-P	87-22-065	415-104-020	REP	87-07-016	415-104-400	REP	87-07-016
400-12-400	NEW-P	87-22-065	415-104-025	NEW-P	87-03-047	415-104-410	REP-P	87-03-047
400-12-410	NEW-P	87-22-065	415-104-025	NEW	87-07-016	415-104-410	REP	87-07-016
400-12-420	NEW-P	87-22-065	415-104-030	REP-P	87-03-047	415-104-800	REP-P	87-03-047
400-12-500	NEW-P	87-22-065	415-104-030	REP	87-07-016	415-104-800	REP	87-07-016
400-12-510	NEW-P	87-22-065	415-104-035	NEW-P	87-03-047	415-104-810	REP-P	87-03-047
400-12-520	NEW-P	87-22-065	415-104-035	NEW	87-07-016	415-104-810	REP	87-07-016
400-12-530	NEW-P	87-22-065	415-104-045	NEW-P	87-03-047	415-104-820	REP-P	87-03-047
400-12-540	NEW-P	87-22-065	415-104-045	NEW	87-07-016	415-104-820	REP	87-07-016
400-12-550	NEW-P	87-22-065	415-104-050	NEW-P	87-03-047	415-104-830	REP-P	87-03-047
400-12-600	NEW-P	87-22-065	415-104-050	NEW	87-07-016	415-104-830	REP	87-07-016
400-12-610	NEW-P	87-22-065	415-104-060	NEW-P	87-03-047	415-105-050	AMD-P	87-03-048
400-12-620	NEW-P	87-22-065	415-104-060	NEW	87-07-016	415-105-050	AMD	87-07-015
400-12-630	NEW-P	87-22-065	415-104-070	NEW-P	87-03-047	415-105-060	AMD-P	87-03-048
400-12-640	NEW-P	87-22-065	415-104-070	NEW	87-07-016	415-105-060	AMD	87-07-015
400-12-650	NEW-P	87-22-065	415-104-080	NEW-P	87-03-047	415-105-070	AMD-P	87-03-048
400-12-660	NEW-P	87-22-065	415-104-080	NEW	87-07-016	415-105-070	AMD	87-07-015
400-12-700	NEW-P	87-22-065	415-104-090	NEW-P	87-03-047	415-105-090	AMD-P	87-03-048
400-12-710	NEW-P	87-22-065	415-104-090	NEW	87-07-016	415-105-090	AMD	87-07-015
400-12-720	NEW-P	87-22-065	415-104-100	AMD-P	87-03-047	415-105-100	NEW-P	87-03-048
400-12-730	NEW-P	87-22-065	415-104-100	REP-P	87-03-047	415-105-100	NEW	87-07-015
400-12-740	NEW-P	87-22-065	415-104-100	AMD	87-07-016	415-105-110	NEW-P	87-03-048
400-12-800	NEW-P	87-22-065	415-104-105	REP-P	87-03-047	415-105-110	NEW	87-07-015
400-12-810	NEW-P	87-22-065	415-104-105	REP	87-07-016	415-105-120	NEW-P	87-03-048
400-12-820	NEW-P	87-22-065	415-104-110	REP-P	87-03-047	415-105-120	NEW	87-07-015
415-02-090	AMD-P	87-03-049	415-104-110	REP	87-07-016	415-105-130	NEW-P	87-03-048
415-02-090	AMD	87-07-013	415-104-115	NEW-P	87-03-047	415-105-130	NEW	87-07-015
415-02-099	NEW-E	87-14-036	415-104-115	NEW	87-07-016	415-105-140	NEW-P	87-03-048
415-02-099	NEW-P	87-14-037	415-104-120	REP-P	87-03-047	415-105-140	NEW	87-07-015
415-02-099	NEW	87-17-059	415-104-120	REP	87-07-016	415-105-150	NEW-P	87-03-048
415-100	AMD-P	87-03-046	415-104-125	NEW-P	87-03-047	415-105-150	NEW	87-07-015
415-100	AMD	87-07-014	415-104-125	NEW	87-07-016	415-105-160	NEW-P	87-03-048
415-100-005	NEW-P	87-03-046	415-104-135	NEW-P	87-03-047	415-105-160	NEW	87-07-015
415-100-005	NEW	87-07-014	415-104-135	NEW	87-07-016	415-105-170	NEW-P	87-03-048
415-100-010	REP-P	87-03-046	415-104-140	REP-P	87-03-047	415-105-170	NEW	87-07-015
415-100-010	REP	87-07-014	415-104-140	REP	87-07-016	415-105-180	NEW-P	87-03-048
415-100-015	NEW-P	87-03-046	415-104-145	NEW-P	87-03-047	415-105-180	NEW	87-07-015
415-100-015	NEW	87-07-014	415-104-145	NEW	87-07-016	415-108-450	NEW-P	87-14-038

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415-108-470	NEW-P	87-14-038	434-55-016	AMD-E	87-16-011	446-60-015	NEW-C	87-04-024
415-108-470	NEW	87-17-061	434-55-016	AMD	87-17-002	446-60-015	NEW	87-05-012
415-108-480	NEW-P	87-14-038	434-55-020	REP-P	87-14-028	446-60-020	AMD-C	87-04-024
415-108-480	NEW	87-17-061	434-55-020	REP-E	87-16-011	446-60-020	AMD	87-05-012
415-108-490	NEW-P	87-14-038	434-55-020	REP	87-17-002	446-60-080	AMD-C	87-04-024
415-108-490	NEW	87-17-061	434-55-030	AMD-P	87-14-028	446-60-080	AMD	87-05-012
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415-108-510	NEW	87-17-061	434-55-030	AMD	87-17-002	446-70-010	NEW	87-09-049
415-112-330	NEW-P	87-16-077	434-55-035	REP-P	87-14-028	446-70-020	NEW-P	87-06-007
415-112-410	AMD-P	87-14-034	434-55-035	REP-E	87-16-011	446-70-020	NEW	87-09-049
415-112-411	NEW-P	87-14-034	434-55-035	REP	87-17-002	446-70-030	NEW-P	87-06-007
415-112-412	NEW-P	87-14-034	434-55-040	AMD-P	87-14-028	446-70-030	NEW	87-09-049
415-112-412	NEW	87-17-060	434-55-040	AMD-E	87-16-011	446-70-040	NEW-P	87-06-007
415-112-413	NEW-P	87-14-034	434-55-040	AMD	87-17-002	446-70-040	NEW	87-09-049
415-112-413	NEW	87-17-060	434-55-055	AMD-P	87-14-028	446-70-050	NEW-P	87-06-007
415-112-414	NEW-P	87-14-034	434-55-055	AMD-E	87-16-011	446-70-050	NEW	87-09-049
415-112-414	NEW	87-17-060	434-55-055	AMD	87-17-002	446-70-060	NEW-P	87-06-007
415-112-415	NEW-P	87-14-034	434-55-060	AMD-P	87-14-028	446-70-060	NEW	87-09-049
415-112-415	NEW	87-17-060	434-55-060	AMD-E	87-16-011	446-70-070	NEW-P	87-06-007
415-112-800	NEW-E	87-14-035	434-55-060	AMD	87-17-002	446-70-070	NEW	87-09-049
415-112-800	NEW-P	87-16-016	440-44-030	AMD-P	87-09-007	446-70-080	NEW-P	87-06-007
415-112-800	NEW	87-20-082	440-44-030	AMD	87-12-049	446-70-080	NEW	87-09-049
415-112-810	NEW-E	87-14-035	440-44-030	AMD-P	87-13-081	458-15-005	NEW	87-05-022
415-112-810	NEW-P	87-16-016	440-44-030	AMD	87-16-084	458-15-010	NEW	87-05-022
415-112-810	NEW	87-20-082	440-44-040	AMD-P	87-10-015	458-15-015	NEW	87-05-022
415-112-820	NEW-E	87-14-035	440-44-040	AMD-E	87-14-065	458-15-020	NEW	87-05-022
415-112-820	NEW-P	87-16-016	440-44-040	AMD	87-14-066	458-15-030	NEW	87-05-022
415-112-820	NEW	87-20-082	440-44-045	AMD-P	87-10-015	458-15-040	NEW	87-05-022
419-56-010	NEW-P	87-18-002	440-44-045	AMD-E	87-14-065	458-15-050	NEW	87-05-022
419-56-020	NEW-P	87-18-002	440-44-045	AMD	87-14-066	458-15-060	NEW	87-05-022
419-56-030	NEW-P	87-18-002	440-44-048	AMD-P	87-10-015	458-15-070	NEW	87-05-022
419-56-040	NEW-P	87-18-002	440-44-048	AMD-E	87-14-065	458-15-080	NEW	87-05-022
419-56-050	NEW-P	87-18-002	440-44-048	AMD	87-14-066	458-15-090	NEW	87-05-022
419-56-060	NEW-P	87-18-002	440-44-057	AMD-P	87-17-041	458-15-100	NEW	87-05-022
419-56-070	NEW-P	87-18-002	440-44-057	AMD	87-21-016	458-15-110	NEW	87-05-022
419-56-080	NEW-P	87-18-002	440-44-061	AMD	87-03-017	458-15-120	NEW	87-05-022
419-56-090	NEW-P	87-18-002	440-44-070	AMD-P	87-10-015	458-18-210	NEW-E	87-16-023
419-60-010	NEW-E	87-20-015	440-44-070	AMD-E	87-14-065	458-18-210	NEW-P	87-16-024
419-60-010	NEW-P	87-20-061	440-44-070	AMD	87-14-066	458-18-210	NEW	87-19-141
419-60-020	NEW-E	87-20-015	440-44-075	AMD-P	87-10-015	458-18-220	NEW-E	87-16-023
419-60-020	NEW-P	87-20-061	440-44-075	AMD	87-17-045	458-18-220	NEW-P	87-16-024
419-60-030	NEW-E	87-20-015	440-44-076	AMD-P	87-10-015	458-18-220	NEW	87-19-141
419-60-030	NEW-P	87-20-061	440-44-076	AMD-E	87-14-065	458-20-108	AMD-P	87-22-077
434-09-010	NEW-E	87-02-067	440-44-076	AMD	87-14-066	458-20-130	AMD-P	87-16-080
434-09-010	NEW-P	87-02-068	440-44-100	AMD-P	87-10-015	458-20-130	AMD	87-19-007
434-09-010	NEW	87-06-009	440-44-100	AMD-C	87-13-082	458-20-163	AMD-P	87-16-080
434-09-020	NEW-E	87-02-067	440-44-100	AMD-P	87-20-081	458-20-163	AMD	87-19-007
434-09-020	NEW-P	87-02-068	446-55-005	NEW-C	87-04-024	458-20-168	AMD-P	87-02-061
434-09-020	NEW	87-06-009	446-55-005	NEW	87-05-012	458-20-168	AMD	87-05-012
434-09-030	NEW-E	87-02-067	446-55-020	AMD-C	87-04-024	458-20-168	AMD-P	87-22-077
434-09-030	NEW-P	87-02-068	446-55-020	AMD	87-05-012	458-20-170	AMD-P	87-16-080
434-09-030	NEW	87-06-009	446-55-030	AMD-C	87-04-024	458-20-170	AMD	87-19-007
434-09-040	NEW-E	87-02-067	446-55-030	AMD	87-05-012	458-20-170	AMD-P	87-22-078
434-09-040	NEW-P	87-02-068	446-55-060	AMD-C	87-04-024	458-20-182	AMD-P	87-02-061
434-09-040	NEW	87-06-009	446-55-060	AMD	87-05-012	458-20-182	AMD	87-05-042
434-09-050	NEW-E	87-02-067	446-55-090	AMD-P	87-02-040	458-20-184	AMD-P	87-16-080
434-09-050	NEW-P	87-02-068	446-55-090	AMD-E	87-02-041	458-20-184	AMD	87-19-007
434-09-050	NEW	87-06-009	446-55-100	AMD-P	87-02-040	458-20-186	AMD-P	87-16-080
434-09-060	NEW-E	87-02-067	446-55-100	AMD-E	87-02-041	458-20-186	AMD	87-19-007
434-09-060	NEW-P	87-02-068	446-55-170	AMD-C	87-04-024	458-20-186	AMD-P	87-02-061
434-09-060	NEW	87-06-009	446-55-170	AMD	87-05-012	458-20-18801	AMD	87-05-042
434-09-070	NEW-E	87-02-067	446-55-180	AMD-C	87-04-024	458-20-18801	AMD	87-05-042
434-09-070	NEW-P	87-02-068	446-55-180	AMD	87-05-012	458-20-19301	NEW-P	87-19-148
434-09-070	NEW	87-06-009	446-55-200	REP-C	87-04-024	458-20-19301	NEW-E	87-19-149
434-09-080	NEW-E	87-02-067	446-55-200	REP	87-05-012	458-20-211	AMD-P	87-14-055
434-09-080	NEW-P	87-02-068	446-55-210	REP-C	87-04-024	458-20-211	AMD-E	87-14-056
434-09-080	NEW	87-06-009	446-55-210	REP	87-05-012	458-20-211	AMD	87-17-015
434-09-090	NEW-E	87-02-067	446-55-220	AMD-C	87-04-024	458-20-217	AMD-P	87-22-078
434-09-090	NEW-P	87-02-068	446-55-220	AMD	87-05-012	458-20-240	AMD-P	87-16-080
434-09-090	NEW	87-06-009	446-55-240	REP-C	87-04-024	458-20-240	AMD	87-19-007
434-55-010	AMD-P	87-14-028	446-55-240	REP	87-05-012	458-20-24001	AMD-P	87-16-081
434-55-010	AMD-E	87-16-011	446-55-250	AMD-P	87-02-040	458-20-24001	AMD	87-19-139
434-55-010	AMD	87-17-002	446-55-250	AMD-E	87-02-041	458-20-24002	AMD-P	87-16-080
434-55-015	AMD-P	87-14-028	446-55-270	AMD-P	87-02-040	458-20-24002	AMD	87-19-007
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458-40-650	AMD	87-14-042	463-42-655	NEW	87-05-017	478-116-600	AMD	87-16-037
458-40-650	AMD-E	87-14-043	463-42-665	NEW	87-05-017	478-116-601	AMD-P	87-10-057
458-40-660	AMD-P	87-10-062	463-42-675	NEW	87-05-017	478-116-601	AMD	87-16-037
458-40-660	AMD	87-14-042	463-54-080	NEW	87-05-017	478-138-050	AMD-P	87-11-052
458-40-660	AMD-E	87-14-043	468-12-510	AMD-P	87-21-062	478-138-050	AMD	87-16-038
458-40-660	AMD-P	87-22-067	468-12-680	AMD-P	87-21-062	479-13-025	NEW-P	87-18-011
458-40-670	AMD-P	87-10-062	468-12-800	AMD-P	87-21-062	479-13-025	NEW-E	87-18-012
458-40-670	AMD	87-14-042	468-38-035	NEW-P	87-21-054	479-13-025	NEW	87-21-068
458-40-670	AMD-E	87-14-043	468-38-035	NEW-E	87-21-055	479-13-035	NEW-P	87-18-011
458-40-670	AMD-P	87-22-067	468-38-120	AMD-E	87-15-069	479-13-035	NEW-E	87-18-012
458-53-110	AMD-P	87-09-022	468-38-120	AMD-P	87-15-079	479-13-035	NEW	87-21-068
458-53-110	AMD	87-12-029	468-38-120	AMD	87-20-040	479-13-060	AMD-P	87-18-011
458-53-141	AMD-P	87-09-022	468-58-080	AMD-P	87-09-006	479-13-060	AMD-E	87-18-012
458-53-141	AMD	87-12-029	468-58-080	AMD-C	87-12-061	479-13-060	AMD	87-21-068
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458-53-163	AMD	87-12-029	468-95-025	NEW	87-19-065	479-20-010	AMD-P	87-18-011
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458-61-030	AMD-P	87-09-034	468-300-010	AMD-E	87-08-019	479-20-010	AMD	87-21-068
458-61-030	AMD	87-12-016	468-300-010	AMD-C	87-09-047	479-20-011	NEW-P	87-18-011
458-61-050	AMD	87-03-036	468-300-010	AMD-C	87-10-002	479-20-011	NEW-E	87-18-012
458-61-080	AMD	87-03-036	468-300-010	AMD	87-12-005	479-20-011	NEW	87-21-068
458-61-150	AMD	87-03-036	468-300-020	AMD-P	87-06-052	479-20-033	AMD-P	87-18-011
458-61-210	AMD	87-03-036	468-300-020	AMD-C	87-09-047	479-20-033	AMD-E	87-18-012
458-61-335	NEW	87-03-036	468-300-020	AMD-C	87-10-002	479-20-033	AMD	87-21-068
458-61-490	AMD	87-03-036	468-300-020	AMD	87-12-005	479-20-036	AMD-P	87-18-011
458-61-555	AMD-P	87-09-034	468-300-030	REP-P	87-06-052	479-20-036	AMD-E	87-18-012
458-61-555	AMD	87-12-016	468-300-030	REP-C	87-09-047	479-20-036	AMD	87-21-068
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460-16A-100	REP-P	87-21-084	468-300-040	AMD-P	87-06-052	479-20-037	NEW	87-21-068
460-16A-101	NEW-P	87-21-084	468-300-040	AMD-C	87-09-047	480-08-010	AMD-P	87-22-080
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460-16A-103	NEW-P	87-21-084	468-300-040	AMD	87-12-005	480-12-005	AMD-P	87-22-080
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460-16A-105	AMD-P	87-21-084	468-300-070	AMD-C	87-09-047	480-12-010	AMD	87-19-088
460-16A-106	AMD-P	87-21-084	468-300-070	AMD-C	87-10-002	480-12-015	AMD-P	87-22-080
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460-16A-110	AMD-P	87-21-084	468-300-210	NEW	87-20-041	480-12-025	AMD	87-19-088
460-16A-126	AMD-P	87-21-084	468-300-700	AMD-P	87-06-052	480-12-030	AMD-P	87-16-039
460-16A-130	REP-P	87-21-084	468-300-700	AMD-C	87-09-047	480-12-030	AMD	87-19-088
460-16A-135	REP-P	87-21-084	468-300-700	AMD-C	87-10-002	480-12-031	AMD-P	87-16-039
460-16A-140	REP-P	87-21-084	468-300-700	AMD	87-12-005	480-12-031	AMD	87-19-088
460-16A-145	REP-P	87-21-084	478-116-080	AMD-P	87-10-057	480-12-045	AMD-P	87-16-039
460-42A-080	AMD-P	87-21-085	478-116-080	AMD	87-16-037	480-12-045	AMD	87-19-088
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460-70-010	NEW	87-02-044	478-116-260	AMD-P	87-10-057	480-12-110	AMD-P	87-16-039
460-70-015	NEW	87-02-044	478-116-260	AMD	87-16-037	480-12-110	AMD	87-19-088
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460-70-025	NEW	87-02-044	478-116-270	AMD	87-16-037	480-12-125	AMD	87-19-088
460-70-030	NEW	87-02-044	478-116-290	AMD-P	87-10-057	480-12-127	AMD-P	87-16-039
460-70-035	NEW	87-02-044	478-116-290	AMD	87-16-037	480-12-127	AMD	87-19-088
460-70-040	NEW	87-02-044	478-116-350	AMD-P	87-10-057	480-12-130	AMD-P	87-16-039
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460-70-050	NEW	87-02-044	478-116-370	AMD-P	87-10-057	480-12-135	AMD-P	87-16-039
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480-12-205	AMD-P	87-16-039	480-122-020	NEW-E	87-16-074	504-34-010	AMD	87-12-013
480-12-205	AMD	87-19-088	480-122-020	NEW	87-20-043	504-34-030	AMD-P	87-08-002
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480-12-250	AMD	87-19-088	480-122-040	NEW-E	87-16-074	504-34-050	AMD	87-12-013
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480-12-295	AMD-P	87-16-039	480-122-050	NEW	87-20-043	504-34-080	AMD	87-12-013
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480-12-321	AMD	87-19-088	480-122-060	NEW	87-20-043	504-34-100	AMD-P	87-08-002
480-12-400	AMD-P	87-22-081	480-122-070	NEW-P	87-16-073	504-34-100	AMD	87-12-013
480-12-435	AMD-P	87-22-081	480-122-070	NEW-E	87-16-074	504-34-110	AMD-P	87-08-002
480-12-445	AMD-P	87-22-081	480-122-070	NEW	87-20-043	504-34-110	AMD	87-12-013
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