

MARCH 2, 1988

OLYMPIA, WASHINGTON

ISSUE 88-05



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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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

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of March 1988 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 1988 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is twelve and one-half percent (12½%) for the first calendar quarter of 1988.

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and 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 ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
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
88-07	Feb 24	Mar 9	Mar 23	Apr 6	Apr 26
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
88-11	Apr 20	May 4	May 18	Jun 1	Jun 21
88-12	May 4	May 18	Jun 1	Jun 15	Jul 5
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88-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

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

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

WSR 88-05-001
ADOPTED RULES
INSURANCE COMMISSIONER
 [Order R 88-2—Filed February 4, 1988]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Seattle, Washington, the annexed rules relating to the operation of the Washington Insurance Guaranty Association. Specifically, WAC 284-32-140 will be amended to increase the dollar amount of claim settlements which must be reviewed by the association's board and approved by a majority thereof. Presently, settlements of \$25,000 or more must be so reviewed and approved. The amendment will raise that threshold amount to \$150,000. This is being done at the request of the association.

This action is taken pursuant to Notice No. WSR 88-01-007 filed with the code reviser on December 4, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.32.070 which directs that the Insurance Commissioner has authority to implement the provisions of chapter 48.32 RCW, the Washington Insurance Guaranty Association Act.

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

APPROVED AND ADOPTED February 3, 1988.

Dick Marquardt
 Insurance Commissioner
 By Edward H. Southon
 Deputy Insurance Commissioner

AMENDATORY SECTION (Amending Emergency and Permanent Order R-71-3, filed 12/9/71)

WAC 284-32-140 CLAIM SETTLEMENTS OF ~~(\$25,000)~~ \$150,000 OR MORE. The board shall review, and approve by majority vote, claim settlements to be made by the association or its agents of ~~((twenty-five))~~ one hundred and fifty thousand dollars or more.

WSR 88-05-002
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 88-03—Filed February 4, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use licenses.

This action is taken pursuant to Notice No. WSR 87-21-098 filed with the code reviser on October 21, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED December 11, 1987.

By Judith Merchant
 for Joseph R. Blum
 Director

AMENDATORY SECTION (Amending Order 86-191, filed 11/26/86)

WAC 220-55-040 PREPAID LICENSE ISSUING PROCEDURES. Razor clam licenses will be distributed by the department or designated distribution agents to razor clam license dealers. The licenses will be sold to razor clam license dealers on a prepaid basis in multiples of ~~((fifteen licenses to))~~ five resident ~~((dealers))~~ licenses and multiples of five nonresident licenses ~~((to nonresident dealers))~~ and the minimum order is fifteen resident licenses.

AMENDATORY SECTION (Amending Order 79-58, filed 8/10/79)

WAC 220-55-060 LICENSE REDEMPTION. Nonvalidated razor clam licenses may be redeemed at face value by license dealers upon return to the license division of the department of fisheries, Olympia, Washington, not later than ~~((July))~~ January 31 of the year ~~((of))~~ following expiration, or by returning them by mail to that office, provided they are postmarked no later than January 31st.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-55-065 EXPIRATION. The expiration date of each resident or nonresident license and catch record card, unless otherwise provided, shall be December 31st ~~((next following))~~ of the ~~((date of issuance))~~ year printed on the license or catch record card. In case of a free license, the license shall not expire, except a license issued to a person under 16 years of age shall expire on that person's 16th birthday. A two consecutive day combined license and catch record card shall expire at the close of the day after the validation date, except when the validation date is December 31st, in which case the expiration date is also December 31st.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-070 ~~((SALMON ANGLING LICENSE))~~ VALID CATCH RECORD CARD. ~~((An anadromous salmon angling license, hereinafter designated "salmon angling license," shall consist of))~~ A catch record card shall be invalid unless:

(1) The appropriate ~~((salmon angling license))~~ validation stamp, if required, is affixed to ~~((a sport salmon))~~

the catch record card as defined in WAC 220-69-237 or WAC 220-69-238. A sport catch record validation stamp, issued by the department, is required to be affixed to the catch record card of persons who do not meet the qualifications for issuance of a free salmon catch record card as set out in RCW 75.25.110. Qualifications for a free sturgeon catch record card are identical to those for a free salmon catch record card.

(2) The angler has signed his name in ink across the face of the stamp, if a stamp is required.

(3) The validation date is legibly written in ink on the face of the stamp, if required.

If the signature or validation date is illegible or altered, or if the stamp has been mutilated, the catch record card is invalid. The department will not replace a lost or mutilated stamp.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-075 ~~((SALMON ANGLING LICENSE))~~ SPORT CATCH RECORD VALIDATION STAMP. A ~~((salmon angling license))~~ sport catch record validation stamp shall be a stamp ~~((printed))~~ issued by the department of fisheries to be affixed to a sport ~~((salmon))~~ catch record card for validation purposes.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-080 VALIDATION DATE. ~~((+))~~ On ~~((the one))~~ a two consecutive day combined license and catch record card, the validation date shall be the first day ~~((the))~~ on which an angler ~~((uses that license~~.

~~((2) On the three day license shall be the first of three consecutive days the angler uses that license))~~ may fish for or possess foodfish.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-090 ~~((SALMON ANGLING))~~ PERSONAL USE LICENSE DEALER. A ~~((salmon angling))~~ personal use license dealer is defined as any person, business, corporation, or governmental agency ~~((deputized))~~ authorized by the director to issue ~~((anadromous salmon angling))~~ licenses, catch record cards, and validation stamps.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-105 LICENSE ISSUING PROCEDURES. ~~((Salmon angling))~~ Personal use licenses and validation stamps will be distributed and sold by the department to deputized distribution agents and to ~~((salmon angling))~~ personal use license dealers. The stamps will be sold or issued in sheets of twenty-five stamps. Resident personal use licenses will be sold or issued in units of twenty-five licenses, and nonresident personal use licenses will be sold or issued in units of five licenses.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-110 ~~((SALMON))~~ PERSONAL USE LICENSE AND VALIDATION STAMP BOND REQUIREMENTS. Persons requesting ~~((deputization))~~ authorization as a bonded dealer must post a minimum two thousand dollar surety bond. The total face value of licenses and stamps issued to bonded dealers at any one time shall not exceed that dealer's bond. Dealers who prepay licenses and stamps are not required to be bonded.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-115 LICENSE AND STAMP SALES REPORTING AND FEE REMITTANCES. Bonded dealers shall report license and stamp sales on forms provided by the department and remit receipts from those sales to the department no later than the tenth day of each month following the close of business for the previous calendar month.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-125 DUTIES OF A ((SALMON ANGLING)) PERSONAL USE LICENSE DEALER. A ~~((salmon angling))~~ license dealer shall, at the time of sale of a ~~((one))~~ two consecutive day ~~((and three day salmon angling))~~ combined license and catch record card validation stamp, write the ~~((validate))~~ validation date in ink on the face of the ~~((one and three day))~~ stamp, and it shall be unlawful for him to fail to do so.

AMENDATORY SECTION (Amending Order 84-11, filed 2/21/84)

WAC 220-55-130 VALID PERSONAL USE LICENSE ((REQUIRED)). ~~((It shall be unlawful for any person required to have a license by RCW 75.25.100, to take fish for or possess salmon without having in his possession a valid salmon angling license.))~~ A personal use license shall be invalid~~((:~~

~~((1) Unless the angler has signed his name in ink across the face of the stamp;~~

~~((2) Unless the validation date is legibly written in ink on the face of the stamp;~~

~~((3) If the signature or the date on the stamp is illegible or altered, or if the stamp has been mutilated.~~

Note: A lost or mutilated license or stamp will not be replaced by the department unless the angler has signed his name in ink on the license or if the license is mutilated or altered. The department will not replace a mutilated license.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-55-135 STAMP REDEMPTION. Unissued personal use licenses and nonvalidated stamps may be redeemed at face value by license dealers from ~~((salmon angling distribution agents or))~~ the department of fisheries licensing division office in Olympia not later than January 31 following the year ~~((of issue))~~ printed

on the license or stamp, or post marked no later than January 31st if returned by mail.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-55-085 FRESH AND SALTWATER ANGLING.

WAC 220-55-095 SALMON ANGLING LICENSE DISTRIBUTION AGENT.

AMENDATORY SECTION (Amending Order 84-11, filed 2/21/84)

WAC 220-55-120 FREE PERSONAL USE LICENSE ISSUING PROCEDURE. Upon request a free ~~((salmon angling))~~ personal use license and valid catch record card shall be issued by license dealers to persons under sixteen years of age or seventy years of age or older. Upon request a free personal use license and valid catch record card shall be issued by the license supervisor of the Department of Fisheries, Olympia, Washington, to any other qualified applicant as provided for in RCW 75.25.110. A lost or illegible free license will be replaced by the license supervisor upon request and showing of proof.

AMENDATORY SECTION (Amending Order 85-43, filed 5/10/85)

WAC 220-56-175 SALMON AND STURGEON CATCH RECORD CARDS. It ~~((shall be))~~ is unlawful for any person to fail to comply with the salmon or sturgeon catch record requirements as provided for in this section:

(1) In order to take ~~((and))~~ or possess for personal use ~~((without first having obtained))~~ anadromous salmon or Columbia River, Grays Harbor, or Willapa Harbor sturgeon (including sturgeon taken from any tributary) a fisherman must obtain and have in his possession ~~((a sport salmon))~~ the appropriate catch record card (also referred to as punch card in chapter 75.25 RCW) as described in WAC 220-69-237 and 220-69-238 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any ~~((salmon))~~ angler, when obtaining a ~~((sport salmon))~~ catch record card shall completely, accurately, and legibly complete all information in ink on the ~~((sport salmon))~~ catch record stub prior to detaching the ~~((sport salmon))~~ catch record ~~((punch))~~ card from the stub, and enter his name ~~((and))~~, address, and personal identification information in ink on the ~~((sport salmon))~~ catch record card.

~~((+))~~ (3) Immediately upon catching and possessing a salmon or sturgeon, the ~~((person catching the salmon))~~ angler shall ~~((remove from the punch card one punch for each such salmon and shall))~~ enter ~~((in ink))~~ in the ~~((corresponding))~~ appropriate space the place, date of catch, ~~((and))~~ species ~~((if taken in fresh water, and it~~

~~shall be unlawful to fail to do so))~~, and, for sturgeon, length.

~~((2))~~ (4) Every person possessing a ~~((sport salmon))~~ catch record ~~((punch))~~ card shall by January 31 of the year following the ~~((date of issuance))~~ year printed on the card return such card to the department of fisheries.

~~((3))~~ (5) Any person possessing a ~~((sport salmon))~~ catch record ~~((punch))~~ card shall, upon demand of any law enforcement officer or authorized fisheries department employee, exhibit said card to such officer or employee for inspection.

~~((4))~~ (6) A ~~((sport salmon))~~ catch record ~~((punch))~~ card shall not be transferred, borrowed, altered, or loaned to another person.

NEW SECTION

WAC 220-69-238 DESCRIPTION OF STURGEON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sturgeon catch record form to be prepared, printed, and distributed on request, by the department of fisheries.

(2) The sturgeon catch record stub shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) Angler's birthdate, height, and weight.
- (e) Date of issue.

(3) The sturgeon catch record card shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) Angler's birthdate, height, and weight.
- (e) Angler's driver's license number, or, in the case

the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If no middle name, leave blank the initial space.

- (f) Date of issue.
- (g) Number of days fished.
- (h) Month of catch.
- (i) Day of catch.
- (j) Marine code or stream: Location of catch.
- (k) Species: Catch type code.
- (l) Length of fish.

(4) The information in subsections (2) and (3)(a) through (f) of this section are required entries prior to fishing, and the information in subsection (3)(h) through (l) of this section are required entries if a person fishes or catches fish. The number of days fished, even if zero, must be entered in subsection (3)(g) of this section prior to returning the sturgeon catch record to the department.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-245 DUTIES OF SPORT SALMON AND STURGEON CATCH RECORD CARD

ISSUERS. Any person issuing (~~sport salmon~~) catch record(~~s~~) cards shall be subject to the following orders:

(1) Sport (~~salmon~~) catch record(~~s~~) cards shall be issued in numerical sequence starting with the lowest numbered record (~~book~~) card in possession of the issuer.

(2) Sport (~~salmon~~) catch record card books shall not be transferred from one issuer to another without written permission of the department of fisheries.

(3) Any issuer terminating business or closing for the year shall return (~~all~~) any partially used sport (~~salmon-card records~~) catch record card books to the department of fisheries within (~~30~~) thirty days after terminating business or closing for the year, and must return any complete unused books or report complete unused books by providing the department with a list of unused card numbers within thirty days of terminating business or closing for the year.

(4) All sport (~~salmon~~) catch record(~~s~~) cards that are void, lost, destroyed, or otherwise missing from a dealership, shall be accounted for in writing to the department of fisheries.

(5) All sport (~~salmon~~) catch record card books in which all (~~punch~~) cards have been issued shall be returned to the department of fisheries within (~~30~~) thirty days of the date of issuance of the last (~~punch~~) catch record card in each book.

(6) All sport (~~salmon~~) catch record card books, whether used or unused, shall be returned to the department of fisheries by January 31 of the year following the year (~~of issuance~~) printed on the catch record cards, except unused catch record card books may be reported by providing the department with a list of unused card numbers by January 31st.

WSR 88-05-003

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1964—Filed February 5, 1988]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Rep	ch. 16-28 WAC	Commercial registered feedlots.
Amd	ch. 16-30 WAC	Quarantined registered feedlots.
Amd	ch. 16-54 WAC	Rules relating to the importation of animals into the state of Washington.
Amd	ch. 16-86 WAC	Rules relating to brucellosis and tuberculosis in cattle and goats.

This action is taken pursuant to Notice No. WSR 88-01-123 filed with the code reviser on December 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 16.36.040 and 16.36.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 5, 1988.

By Michael V. Schwisow
Deputy Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-28-010	Definition.
WAC 16-28-020	Licensed quarantined registered feed lots included.
WAC 16-28-030	Applications for.
WAC 16-28-040	Duration of Licenses.
WAC 16-28-050	Lot Size.
WAC 16-28-060	Drainage Requirements.
WAC 16-28-069	Screenings, Screenings Waste or Screening Refuse, Defined—Established Tolerances.
WAC 16-28-070	Destroying viable weed seeds.
WAC 16-28-080	Transportation of Screenings Containing Weed Seeds.
WAC 16-28-090	Sale of Animal Droppings.

Chapter 16-30 WAC

~~((QUARANTINED REGISTERED))~~ RESTRICTED FEEDLOTS

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-010 DEFINITION. A (~~quarantined registered~~) restricted feedlot shall mean a dry feed yard where (~~heavy proportions of concentrates are fed to put a finish on cattle, and where cattle are identified and held under quarantine to prevent the spread of disease in cattle. Further, a quarantined registered feed lot shall mean a dry feed, or garbage feed yard where heavy portions of concentrates, or garbage, are fed to put a finish on swine, and held under quarantine to prevent the spread of disease in swine~~) cattle not known to be exposed to brucellosis and not vaccinated against brucellosis are restricted to prevent their sale for breeding purposes.

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-020 PERMIT APPLICATIONS. (~~Applications for quarantined registered feed lot permits will be furnished on request by the department of agriculture. Each~~) Applicants for restricted feedlots must furnish the following information on an application form to be obtained from the department of agriculture:

- (1) Name and address of applicant.
- (2) Location of feedlot.
- (3) Drawing to show the relation of the feedlot to the rest of the farmstead.
- (4) Number of native cattle (~~or swine~~) on farm.

(5) Operations in livestock other than the feeding of cattle (~~(or swine)~~).

AMENDATORY SECTION (Amending Order 1790, filed 3/14/83)

WAC 16-30-030 CERTIFIED STATEMENTS REQUIRED. In addition to the information furnished in the application each applicant must certify to the following:

(1) That there shall be no contact with other (~~(female and male)~~) animals not also similarly and commonly (~~(quarantined)~~) restricted.

(2) That no animal, except steers and spayed heifers for temporary grazing purposes only, shall be moved from the feed yard except to a federally inspected slaughter plant or to a licensed public livestock market for immediate slaughter(~~(-PROVIDED, That swine will not be moved from a feed yard except to a licensed slaughterer with no diversion enroute)~~).

(3) That the yard will be maintained in a sanitary condition.

(4) That the department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.

(5) That the disposition of dead animals will be in accordance with the laws relating to the disposal of dead animals.

(6) That accurate records will be kept accounting for all animals entering the feedlot.

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-040 EXPIRATION AND REVOCATION OF PERMITS. All permits for (~~(quarantined registered)~~) restricted feedlots shall expire on the 30th day of June next subsequent to the date of issue and may be sooner revoked or suspended by the director of agriculture upon reasonable notice to the permittee for violations of the disease control or brand inspection laws of this state or any lawful regulations issued and promulgated by the director of agriculture under said laws. Any permittee shall have the right to request a hearing before a revocation is made permanent.

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-050 BRANDS. Before a permit is issued for a (~~(quarantined registered)~~) restricted feedlot the operator or owner must have recorded with the state department of agriculture a brand to be used exclusively within said feedlot. Such a brand shall consist of the letter "F" followed by a number assigned by said department: PROVIDED, That by special permission of the director of agriculture or his duly authorized representative the holder of such a brand may be allowed to use his brand on cattle in certain other specified (~~(quarantined registered)~~) restricted feedlots(~~(-PROVIDED FURTHER, That this regulation will not apply to a quarantined registered feed lot feeding swine)~~).

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-060 BRAND TIME. For the purpose of proper identification, all cattle, except steers and spayed heifers, arriving at a (~~(quarantined registered)~~) restricted feedlot must be branded with the aforementioned "F" brand within (~~(48)~~) forty-eight hours after arrival. Use of such brands on steers and properly identified spayed heifers shall be optional(~~(-PROVIDED, That this regulation will not apply to a quarantined registered feed lot feeding swine)~~).

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-070 PLACE OF BRAND. The aforementioned "F" brand shall be placed immediately behind the shoulder and high on the back. In the event a brand is already situated there, the feedlot brand may be placed directed in front of or below the existing brand, but must not deface the existing brand: PROVIDED, The (~~(quarantined registered)~~) restricted feedlot operators or owners who now place their duly recorded "F" brands in the area between the point of the shoulder and the jaw shall continue to so brand, or they may apply to the registrar of brands, department of agriculture, to change the position to which their brand is affixed to the new position without charge(~~(-PROVIDED FURTHER, That this regulation will not apply to a quarantined registered feed lot feeding swine)~~).

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-080 LOT SIZE. The size of the (~~(quarantined registered)~~) restricted feedlot shall be in keeping with the number of cattle (~~(or swine)~~) on feed.

AMENDATORY SECTION (Amending Order 955, filed 8/31/64)

WAC 16-30-090 FEEDLOT REQUIREMENTS. All (~~(quarantined registered)~~) restricted feedlots must be so constructed and so located that they comply with the following:

(1) That there shall be no contact with other (~~(females and males)~~) animals not also similarly and commonly (~~(quarantined)~~) restricted.

(2) The lot is drained or surfaced to keep the yard reasonably free of mud.

(3) Proper facilities exist for inspection of brands and for holding imports separate until properly identified in cattle feedlots(~~(- for vaccination and for holding imports separate until identified and deemed safe to commingle in swine feed lots)~~).

(4) There shall be no regular stream or drainage therefrom to any area where (~~(nonquarantined)~~) nonrestricted females or males are held.

(~~(5) In swine quarantined registered feed lots the schedule of vaccination and/or identification may be prescribed by the director of agriculture and be set forth in the permit.)~~)

AMENDATORY SECTION (Amending Order 1838, filed 7/24/84)

WAC 16-54-010 DEFINITIONS. For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment or a ~~((registered quarantined))~~ restricted feedlot.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.

(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

AMENDATORY SECTION (Amending Order 1918, filed 3/25/87)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to ~~((quarantined-registered))~~ restricted feedlots, or to federally inspected slaughter plants for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant ~~((or to a quarantined feedlot))~~.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a ~~((quarantined))~~ restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior

to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact heifers from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment ~~((or to a quarantined feedlot))~~.

(B) Cattle other than those referred to in (a)(ii)(A) of this subsection from Class B states which are test eligible, unless destined for a ~~((quarantined))~~ restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Cattle other than those referred to in (a)(ii)(A) of this subsection from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis calfhood vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a ((~~quarantined registered~~)) restricted feedlot.

(iv) Spayed heifers.

(c) Brucellosis calfhood vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle born before January 1, 1983.

(iii) Cattle sold or consigned to a ((~~quarantined registered~~)) restricted feedlot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: PROVIDED, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: PROVIDED, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only

and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

AMENDATORY SECTION (Amending Order 1917, filed 3/25/87)

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

(a) Calves under four months of age.

(b) Cattle sold or consigned to a ((~~quarantined registered~~)) restricted feedlot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Steers and spayed heifers.

(e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.

(2) All female cattle shall be officially vaccinated against brucellosis and bear a legible vaccination tattoo prior to being sold or introduced into any herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfhood vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (c), (d), (e), or (f) of this subsection.

(b) Female beef breed cattle born before January 1, 1983.

(c) Cattle sold or consigned to a ((~~quarantined registered~~)) restricted feedlot.

(d) Cattle sold or consigned to a federally inspected slaughter plant.

(e) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(f) Spayed heifers.

(3) Any dairy breed female cattle over eight months of age which are not exempted in subsection (2) of this section and which are found not to be vaccinated against brucellosis upon consignment to a public livestock market, shall be identified by branding with an "S" brand on the left hip prior to sale and released from the market. After "S" branding, the nonvaccinated cattle may be released by the director on a VS1-27 Form or other official permit to any of the following destinations:

(a) A ((~~quarantined registered~~)) restricted feedlot.

(b) A federally inspected slaughter plant.

(c) Another public livestock market for immediate slaughter only.

(d) Upon specific approval by the state veterinarian, nonvaccinated cattle "S" branded at a public livestock market may be returned to the farm of origin where they must remain until released by the state veterinarian for consignment to one of the destinations listed under (a), (b), or (c) of this subsection.

(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.

(5) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers.

AMENDATORY SECTION (Amending Order 1791, filed 3/14/83)

WAC 16-86-030 SALE OF QUARANTINED ANIMALS. (1) No person shall sell or offer for sale any cattle from a brucellosis quarantined herd except steers and spayed heifers for other than immediate slaughter(~~;~~ ~~for consignment to a quarantined registered feed lot or for consignment to a state-federal approved sales yard for immediate slaughter or for sale to a quarantined registered feed lot only~~) or for consignment to a state-federal approved sales yard for immediate slaughter: PROVIDED, That prior to consignment to a state-federal approved sales yard, the cattle shall be "S" branded and shall only be moved from the brucellosis quarantined herd when accompanied by an official federal form number VS1-27.

(2) Cattle from a tuberculosis quarantined herd shall not be sold or offered for sale except for immediate slaughter.

AMENDATORY SECTION (Amending Order 1814, filed 3/30/84)

WAC 16-86-095 OFFICIAL CALFHOOD VACCINATION. (1) An official vaccination report of calfhood vaccinations must be made to the department within thirty days of occurrence on an approved report form (~~((AGRI-030-3003))~~ VS 4-26) issued by the department for the purpose of identifying and recording by official calfhood vaccination ear tag or registry tattoo calves officially brucellosis vaccinated.

(2) All vaccination must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinated by a vaccination tattoo in the right ear. An official vaccination ear tag or registry tattoo shall be used for individual animal identification.

(3) All brucellosis vaccinations shall be reported to the department before becoming official.

WSR 88-05-004
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2596—Filed February 5, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 275-27-220 Family support services.
Amd WAC 275-27-400 Notification.
New WAC 275-27-223 Service priorities.

This action is taken pursuant to Notice No. WSR 88-01-028 filed with the code reviser on December 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 71.20.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 5, 1988.

By Bill Griffith
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2418, filed 8/29/86)

WAC 275-27-220 FAMILY SUPPORT SERVICES. (1) The intent of family support services is to reduce or eliminate the need for out-of-home residential placements of clients wherein the in-home placement is in the client's best interest, to allow clients to live in the most independent setting possible, and to have access to services best suited to clients' needs.

(2) Family support services include, but are not limited to, the following services:

(a) Emergency or planned respite care;

(b) Attendant care;

(c) Therapeutic services, including physical therapy, occupational therapy, behavior management therapy, and communication therapy;

(d) The purchase, rental, loan or refurbishment of specialized equipment, environmental modifications, and other adaptations;

(e) Other service pursuant to subsection (1) of this section approved by the director or designee.

(3) Family support services are time-limited. Services are authorized for a specified period. A service authorization shall state the type of, amount, and period (duration) of service. Each authorization constitutes a new service for a new period. If requested family support services are not authorized, such actions are deemed a denial of services. Family support services may be authorized below the level requested for the period. If during the authorized service period, family support services are

reduced or terminated below the levels specified in service authorizations, such actions are deemed a reduction or termination of services.

~~(4) ((Service priorities shall be used to determine monthly family support service authorizations. Factors used to establish the service priorities include the following:~~

~~(a) The client's need for assistance with personal care (bathing, dressing, feeding, mobility, toileting, etc.);~~

~~(b) The client's special medical support requirements (apnea monitor, gastrostomy, tracheotomy, gavage feeding, heart monitor, respirator, ventilator, etc.);~~

~~(c) The client's risk of behavioral episodes which may result in physical injury to the client or others, and/or in damage to property;~~

~~(d) The number of primary care givers available to assist the client and/or family;~~

~~(e) The availability to the client of private, local, other state, or federal resources;~~

~~(f) The likelihood of out-of-home placement, and~~

~~(g) The client and/or family's relative need for family support services when compared with other clients and/or families' need for services.~~

~~(5)) The department shall authorize family support services ((shall be authorized)) in accordance with policies established by the director. The department shall base monthly service authorizations ((shall be based)) on:~~

~~(a) Service requests ((which are)) for family support services ((prescribed)) described in subsection (2) of this section;~~

~~(b) Service ((priorities based on the factors prescribed)) need levels as described in ((subsection (4))) WAC 275-27-223 of this ((section)) chapter;~~

~~(c) Availability of requested family support services; ((and))~~

~~(d) Monthly regional family support services funding allocations, except for emergencies as defined in WAC 275-27-020(11); and~~

~~(e) Authorization by a review committee, in each regional office, which reviews each request for service.~~

NEW SECTION

WAC 275-27-223 SERVICE NEED LEVELS. (1) The department shall use service need levels to determine monthly family support service authorizations.

(2) Service need levels in order of priority for funding are:

(a) Service need level 1: The client is an active recipient of children's protective services or adult protective services.

(b) Service need level 2: Out-of-home placement will be needed within two months without provision of family support services.

(c) Service need level 3: Client is at risk of out-of-home placement without provision of family support due to the following:

(i) Caregiver/family is:

(A) Experiencing acute and/or chronic stresses; or

(B) Has acute or chronic physical limitations; or

(C) Has acute or chronic mental/emotional impairments; and

(ii) The client requires total physical assistance in at least three of the following areas:

(A) Bathing,

(B) Toileting,

(C) Feeding,

(D) Mobility,

(E) Dressing; or

(iii) The client has special medical support requirements:

(A) Apnea monitor,

(B) Tracheotomy,

(C) Heart monitor,

(D) Ventilator,

(E) Constant monitoring due to continuous seizures,

or

(F) Immediate life-saving intervention due to life-threatening seizures.

(iv) The client has current behavioral episodes which have resulted in:

(A) Physical injury to the client or others; and/or

(B) Substantial damage to property; and/or

(C) Chronic sleep pattern disturbances or chronic continuous screaming behavior.

(d) Service need level 4: Caregiver may lose the ability to provide care without family support assistance due to caregiver conditions described in subsection (2)(c)(i) of this section.

(e) Service need level 5: Client condition as described in subsection (2)(c)(ii), (iii), and (iv) of this section is present. Family support is needed to maintain current functioning and prevent deterioration of client or family.

(f) Service level level 6: Family needs temporary or ongoing services in order to:

(i) Get a break in care to relieve and/or prevent stress of caregiver/family; or

(ii) Enhance the current functioning.

(3) The department shall determine service need level of the client's service request by reviewing information received from the client, family, and other sources about:

(a) Whether client is an active recipient of children's protective services or adult protective services;

(b) Indicators of risk of out-of-home placement, and indicators of the imminence of such an event. Assessment of such risk may include:

(i) Review of family's requests for placement;

(ii) History of family's involvement with children's protective services or adult protective services;

(iii) Client's current adjustment;

(iv) Parental history of psychiatric hospitalization;

(v) Clinical assessment of family's condition; and

(vi) Statements from other professionals.

(c) Caregiver conditions, such as acute and/or chronic stress, acute and/or chronic physical limitations, and acute and/or chronic mental and/or emotional impairments;

(d) Client need for intense medical or physical or behavioral support;

(e) Family's ability to use typical community resources;

(f) Availability of private, local, state, or federal resources to help meet the need for family support;

(g) Severity and chronicity of family or client problems; and

(h) Degree to which family support services will ameliorate or alleviate such problems and reduce the risk of out-of-home placement.

AMENDATORY SECTION (Amending Order 2418, filed 8/29/86)

WAC 275-27-400 NOTIFICATION. (1) The department shall notify the client or applicant, the parent when the client or applicant is a minor, and the guardian when the client or applicant is an adult, of the following decisions:

(a) Denial or termination of eligibility set forth in WAC 275-27-030;

(b) Development or modification of the individual service plan set forth in WAC 275-27-060;

(c) Authorization, denial, reduction, or termination of services set forth in WAC 275-27-230; and

(d) Admission or readmission to, or discharge from, a residential habilitation center.

(2) The notice shall set forth appeal rights pursuant to WAC 275-27-500 and a statement that the client's case manager can be contacted for an explanation of the reasons for the action.

(3)(a) The department shall provide notice of a denial or partial authorization of a family support services request and a statement of reason for denial or partial authorization to the person or persons described in subsection (1) of this section. The department shall send such notice no later than five working days before the end of the month previous to the month for which service was requested;

(b) The department shall make available an administrative review of a decision to deny or partially authorize services upon receipt of a written request by a person or persons described in subsection (1) of this section to the administrator of the region in which the client is living. The regional office must receive a request for administrative review by the last working day of the month;

(c) The client shall state in the written request why the client or client's family believes their service priority designation is not correct;

(d) Upon receipt of request for administrative review, the regional administrator or designee shall review the request and the client file; and

(e) The department shall send the results of the administrative review to the client and/or family within the first five working days of the service month for which the client is being denied or receiving a partial authorization for services.

(4) The department shall provide at least thirty days' advance notice of action to terminate a client's eligibility, terminate or reduce a client's service, or discharge a client from a residential habilitation center to the community, except for the transfer or removal of a client from a service set forth in WAC 275-27-500 (5)(f).

~~((f4))~~ (5) All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible field services regional office in person and/or by telephone.

~~((f5))~~ (6) The division shall ensure notification to the school district in which a school-aged child is to be placed when a placement decision is reached.

WSR 88-05-005
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed February 8, 1988]

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 exclusions, amending WAC 388-49-470;

that the agency will at 10:00 a.m., Thursday, March 24, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 25, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 24, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by March 10, 1988. The meeting site is in a location which is barrier free.

Dated: February 8, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amend WAC 388-49-470.

Purpose: To adopt new rules authorizing the department to exclude certain money as income in the food stamp program.

The amendments are necessary as a result of rules published by Food and Nutrition Service.

Statutory Authority: RCW 74.04.510.

The department shall exclude earnings of children under 19 years old who are participating in the Job Training Partnership Act. Also, the department shall exclude public assistance payments which are over and above the

regular warrant, not normally a part of the warrant, and when paid directly to a third party.

Person Responsible for Rule Drafting and Implementation: Daniel A. Ohlson, Community Services Program Manager, Division of Income Assistance, scan 234-1354, OB-31C.

The rules are necessary as a result of federal law, 7 CFR 273.9 (c)(10).

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

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) Payment to Alaskan natives under the terms of the Alaskan Native Claims Settlement Act)) Any income specifically excluded by any other federal statute from consideration as income in the Food Stamp Program.~~

~~((9)) (3) 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.~~

~~((10)) (4) 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.~~

~~((11)) (5) 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.~~

~~((12)) (6) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred.~~

~~((13)) (7) Nonrecurring lump sum payments.~~

~~((14)) (8) The cost of producing self-employment income.~~

~~((15)) (9) 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.~~

~~((16)) (10) Other federal financial aid designated by the school for:~~

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

~~((17)) (11) 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.~~

~~((18)) (12) 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.~~

~~((19)) (13) Any gain or benefit not in money.~~

~~((20)) (14) Vendor payments as defined in WAC 388-49-020.~~

~~((21)) (15) 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.~~

~~((22)) (16) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.~~

~~((23)) (17) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.~~

~~((24)) (18) Money specified by court order or other legally binding agreement to go directly to a third-party beneficiary rather than to the household.~~

~~((25)) (19) Support payments not required by a court order or other legally binding agreement paid directly to a third party rather than to the household.~~

~~((26)) (20) Payments from the individual and family grant program.~~

WSR 88-05-006

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2597—Filed February 8, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to income exclusions, amending WAC 388-49-470.

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 comply with federal requirement 7 CFR 273.9 (c)(10) which authorizes the department to exclude as income money earned by participants in the community services employment program.

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

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 8, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

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) Payment to Alaskan natives under the terms of the Alaskan Native Claims Settlement Act)) Any income specifically excluded by any other federal statute from consideration as income in the Food Stamp Program.~~

~~((9)) (3) 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.~~

~~((10)) (4) 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.~~

~~((11)) (5) 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.~~

~~((12)) (6) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred.~~

~~((13)) (7) Nonrecurring lump sum payments.~~

~~((14)) (8) The cost of producing self-employment income.~~

~~((15)) (9) 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.~~

~~((16)) (10) Other federal financial aid designated by the school for:~~

~~(a) Tuition, and~~

~~(b) Mandatory fees.~~

~~((17)) (11) 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.~~

~~((18)) (12) 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.~~

~~((19)) (13) Any gain or benefit not in money.~~

~~((20)) (14) Vendor payments as defined in WAC 388-49-020.~~

~~((21)) (15) 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.~~

~~((22)) (16) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.~~

~~((23)) (17) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.~~

~~((24)) (18) Money specified by court order or other legally binding agreement to go directly to a third-party beneficiary rather than to the household.~~

~~((25)) (19) Support payments not required by a court order or other legally binding agreement paid directly to a third party rather than to the household.~~

~~((26)) (20) Payments from the individual and family grant program.~~

WSR 88-05-007

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed February 8, 1988]

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 Nonretail licenses—License designations, new section WAC 314-22-010;

that the agency will at 9:30 a.m., Tuesday, March 22, 1988, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030 and 66.08.050.

The specific statute these rules are intended to implement is RCW 66.08.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 22, 1988.

Dated: February 5, 1988

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-22-010 Nonretail licenses—License designations.

Description of Purpose: This is a housekeeping measure designed to make nonretail license designations completely different from retail license designations which are set by statute; and to assist in the implementation of the Business Licenses Services, Department of Licenses processing of liquor licenses.

Statutory Authority: RCW 66.08.030 and 66.08.050.

Statutes Implemented by the Rule: RCW 66.08.120.

Summary of Rule: At the present time, nonretail licenses currently have the same or similar alphabetic designation as do retail licenses (example: "B" license, "CD" license). This causes confusion frequently on the part of staff people and the public as to what type of license they are or need to apply for.

Reason Supporting Proposed Action: By changing the abbreviations as indicated, and by having the abbreviations in rule form, the nonretail license designations will be available for everyone to refer to in a common source document, the liquor laws and regulations of Washington. The Business License Services (BLS) in preparing to take over the initial application process for liquor licenses has also found the current nonretail license designation scheme confusing because of its similarity to the retail license designations. The rule, as proposed, has been reviewed with representatives from BLS who are ready to implement it along with their other plans to begin processing liquor licenses in April 1988.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule amendment: Janice Lee Britt, Supervisor, Manufacturers, Importers and Wholesalers Division, phone (206) 753-6273 and Lester C. Dalrymple, Supervisor, License Division, phone (206) 753-6259, both located at the Capital Plaza Building, Olympia, Washington 98504.

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

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

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

NEW SECTION

WAC 314-22-010 NONRETAIL LICENSES—LICENSE DESIGNATIONS. The license designation for licenses authorized under 66.24 RCW which are considered to be nonretail licenses are hereby established as follows:

(1) A manufacturer's license as authorized by RCW 66.24.150 shall be known as a "N1" license.

(2) A distiller's license is authorized by RCW 66.24.150 and having a fee of \$2,000 shall be known as a "N2" license.

(3) A distiller's license for a commercial chemist having a fee of \$20 as authorized by RCW 66.24.140 shall be known as a "N3" license.

(4) A distiller's license for fruit and/or wine having a fee of \$200 as authorized by RCW 66.24.140 shall be known as a "N4" license.

(5) A liquor importer's license as authorized by RCW 66.24.160 shall be known as a "N5" license.

(6) An agent's license as authorized by RCW 66.24.310 shall be known as a "N6" license.

(7) A duty free exporter's license as authorized by RCW 66.24.530 shall be known as a "NS" license.

(8) A brewer's license as authorized by RCW 66.24.170 shall be known as a "B1" license.

(9) A beer wholesaler's license as authorized by RCW 66.24.250 shall be known as a "B2" license.

(10) A beer certificate of approval license for use by in-state beer importers and importers of foreign beer shall be known as a "B3" license.

(11) A beer importer's license as authorized by RCW 66.24.260 shall be known as a "B4" license.

(12) A beer certificate of approval license for use by brewers located outside the state of Washington as authorized by RCW 66.24.270 shall be known as a "B5" license.

(13) A domestic winery license as authorized by RCW 66.24.170 shall be known as a "W1" license.

(14) A wine wholesaler's license as authorized by RCW 66.24.200 shall be known as a "W2" license.

(15) A wine importers license as authorized by RCW 66.24.204 shall be known as a "W3" license.

(16) A wine certificate of approval license for use by in-state wine importers and importers of foreign wine as authorized by RCW 66.24.206 shall be known as a "W4" license.

(17) A bonded wine warehouse license as authorized by RCW 66.24.185 shall be known as a "W5" license.

(18) A grower's license as authorized by RCW 66.24.520 shall be known as a "W6" license.

(19) A wine certificate of approval license for use by out of state wineries as authorized by RCW 166.24.206 shall be known as a "W7" license.

(20) A CCI-1 license as authorized by RCW 66.24.395 shall be known as a "C1" license.

(21) A CCI-2 license as authorized by RCW 66.24.395 shall be known as a "C2" license.

(22) A CCI-3 license as authorized by RCW 66.24.395 shall be known as a "C3" license.

(23) A CCI-4 license as authorized by RCW 66.24.395 shall be known as a "C4" license.

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 88-05-008

NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON

[Memorandum—February 3, 1988]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's

Department of Community Health Care Systems: 2nd
Friday each month, T-616 HSB, 1:00 - 4:00.

WSR 88-05-009

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**
[Memorandum—February 3, 1988]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Dental Public Health Sciences: Commencing February 2, and unless otherwise indicated, there will be a regularly scheduled meeting of departmental faculty (including postdoctoral fellows) each Tuesday afternoon, 2:00 p.m. to 3:00 p.m. in Room B-508.

WSR 88-05-010

**ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)**
[Order PM 704—Filed February 9, 1988]

Be it resolved by the Washington State Board of Nursing, acting at Seattle, Washington, that it does adopt the annexed rules relating to criteria for approved refresher course, WAC 308-120-186.

This action is taken pursuant to Notice No. WSR 88-01-103 filed with the code reviser on December 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 18.88.080, 18.88.086 and 18.130.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 28, 1988.

By Margaret Auld Bruya
Chair

AMENDATORY SECTION (Amending Order PL-305, filed 5/15/79)

WAC 308-120-186 CRITERIA FOR APPROVED REFRESHER COURSE. (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in RCW 18.88.030.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) ~~((There shall be an adequate number of qualified faculty to develop and implement the program and achieve the stated objectives. The maximum faculty/student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board))~~
All faculty shall be qualified to develop and implement the program of study.

(d) Faculty shall be sufficient in number to achieve the stated program objectives.

(e) The maximum faculty to student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board.

(3) Course content.

(a) The course content shall consist of a minimum of forty hours core course content, forty hours of specialty course content, and one hundred sixty hours of clinical practice in the specialty area.

(b) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

~~((b))~~ (c) The core course content shall include, but not be limited to, a minimum of ((eighty)) forty hours of theory in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Professional nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological and social sciences necessary for practice; and

(iv) Review and updating of basic nursing knowledge ~~((necessary for assisting people with:~~

~~(A) Maintenance of physical and mental health throughout life span;~~

~~(B) Medical/surgical problems;~~

~~(C) Behavioral problems;~~

~~(D) Problems of development and aging)).~~

(d) The specialty course content shall include, but not be limited to, a minimum of forty hours of theory in current specialty nursing practice concepts of basic nursing related to the special area of interest such as surgical; pediatrics; obstetrics; psychiatric; acute, intensive, or extended care nursing; or community health nursing.

~~((c))~~ (e) The clinical course content shall include a minimum of one hundred sixty hours of clinical practice in the specialty area(s) listed in ((subsection (b) above)) (c), (d), and (e) of this subsection. Exceptions shall be justified to and approved by the board.

~~((d))~~ Examinations shall be given to measure knowledge of content:

~~((c))~~ (4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

~~((4))~~ (b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid RN license or a limited educational license approved by the Washington state board of nursing.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a ~~((letter certifying))~~ certification of successful completion of the course ~~((shall be sent))~~ to the Washington state board of nursing office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board prior to starting the course.

WSR 88-05-011

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Practical Nursing)

[Order PM 705—Filed February 9, 1988]

Be it resolved by the Washington State Board of Practical Nursing, acting at Seattle, Washington, that it does adopt the annexed rules relating to licensure of graduates of foreign schools of nursing, WAC 308-117-080.

This action is taken pursuant to Notice No. WSR 88-01-121 filed with the code reviser on December 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 18.78.050, 18.78.060, 18.78.070 and 18.130.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 28, 1988.

By Marie Christine Ivy
Chairperson

AMENDATORY SECTION (Amending Order PL 452, filed 12/19/83)

WAC 308-117-080 LICENSURE OF GRADUATES OF FOREIGN SCHOOLS OF NURSING. (1) Applicants who received their nursing education outside the United States ~~((and))~~ or its territories shall meet the following requirements for licensing:

(a) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

(b) Satisfactory passage of the Test of English as a Foreign Language (TOEFL). As of May 1, 1988, all applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL Services to forward directly to the board a copy of the official Examinee's Score Record. These results must be timely received with the individual's application before the NCLEX can be taken.

(c) All other requirements of the statute and regulations shall be met.

~~((c))~~ (d) File with the board of practical nursing a completed notarized license application with the required fee prior to February 15 for the April examination and prior to August 15 for the October examination. The fees are not refundable.

~~((d))~~ (e) Submit one recent ~~((U.S.))~~ United States passport identification photograph of the applicant unmounted and signed by the applicant across the front.

~~((e))~~ (f) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

~~((f))~~ (g) File an examination application, along with the required fee, directly with the testing service.

~~((g))~~ (h) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington.

WSR 88-05-012

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed February 10, 1988]

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 Furnishing of information and/or documentation to the board concerning compliance with RCW 66.28.010—Oath required—Form of affidavit, new section WAC 314-12-037;

that the agency will at 9:30 a.m., Friday, March 25, 1988, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030 and 66.08.130.

The specific statute these rules are intended to implement is RCW 66.28.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 25, 1988.

Dated: February 10, 1988

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-12-037 Furnishing of information and/or documentation to the board concerning compliance with RCW 66.28.010—Oath required—Form of affidavit.

Description of Purpose: The recordkeeping and affidavit requirements established by this rule will facilitate enforcement, in accord with recently expressed legislative intent, of the prohibition in RCW 66.28.010 on the gift of "money or moneys' worth" to a licensed retailer by a liquor manufacturer, importer, or wholesaler.

Statutory Authority: RCW 66.08.030 and 66.08.130.

Statutes Implemented by the Rule: RCW 66.28.010.

Summary of Rule: Establishes requirements for recordkeeping and certification to the board concerning business entertainment activities. Specifically dealt with are those activities which would have been exempted from the "money or moneys' worth" prohibition of RCW 66.28.010 by legislation in the 1988 session of the Washington state legislature. Because the legislature failed to exempt these activities, with knowledge that existing law had been construed by AGLO 1973, No. 28, this rule will implement legislative intent that these types of activity should remain prohibited.

Reason Supporting Proposed Action: In AGLO 1973, No. 28, the attorney general ruled that RCW 66.28.010 was an unqualified prohibition on "money or moneys' worth" being provided for a licensed retailer by a liquor manufacturer, importer, or wholesaler. The activities listed in the rule are commonly accepted business practices in most industries, are legal under federal law, and have been considered relatively harmless in the past. However, when a bill which would specifically have exempted them from the "money or moneys' worth" prohibition of RCW 66.28.010 was considered by the 1988 session of the legislature, it failed to pass out of committee and has not, to this date, become law. The board has received legal advice to the effect that the above described legislative action constitutes a confirmation of the 1973 Attorney General's Opinion holding that the prohibition on "money or moneys' worth" in RCW 66.28.010 is unqualified and that the types of activities referenced in the proposed rule are violations of that statute. The legislature was made aware of the board's

position that these activities were relatively harmless and should be exempted from the "tied-house" prohibition. Attached, and incorporated herein by this reference, is a memo dated February 1, 1987, to Eleanor Lee, Chair of the Senate Economic Development and Labor Committee, setting forth the board's position which was submitted in conjunction with testimony before that committee by the board's legislative liaison. The legislature, after considering the board's position, nevertheless determined that these practices should remain prohibited. The board believes that in view of this legislative action and of the heavy opposition to exempting these activities from RCW 66.28.010 by the beer and wine wholesale industry, an appropriate redirection of resources into enforcement of this prohibition is necessary.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule amendment: Janice Lee Britt, Supervisor, Manufacturers, Importers and Wholesalers Division, phone (206) 753-6273 and Carter Mitchell, Information Officer, phone (206) 753-6276, both located at the Capital Plaza Building, Olympia, Washington 98504.

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

Agency Comments: This notice of proposed rulemaking is being filed in sufficient time to give the 1988 legislature an opportunity to further express legislative intent in the area of the proposed rule, should it desire to do so.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Will require a certain additional segregation of information in the records of liquor industry members. It will require filing of additional paperwork once a year at license renewal time and at such times as complaints may be received and investigations commenced by the board into violations of RCW 66.28.010. The overall cost impact on industry members will be minimal.

NEW SECTION

WAC 314-12-037 FURNISHING OF INFORMATION AND/OR DOCUMENTATION TO THE BOARD CONCERNING COMPLIANCE WITH RCW 66.28.010—OATH REQUIRED—FORM OF AFFIDAVIT. (1) In order to facilitate the enforcement of RCW 66.28.010 and WAC 314-12-140 in the area of prohibited gifts of "moneys' worth," all holders of licenses to manufacture, import, or sell at wholesale beer or wine in the state of Washington, as well as out of state manufacturers holding certificates of approval shall furnish, along with the documentation required for the annual renewal of their license or certificate of approval, a statement, under oath, in the form specified in subsection (5) below. Failure or refusal to furnish the required certification will be good and sufficient cause for revocation of any license or certificate of approval held by a business which fails or refuses to furnish the requested certification.

(2) All licensees and certificate of approval holders shall maintain complete and accurate records of all expenditures made on behalf of the licensee by any person associated in any way with the licensee for any form of business entertainment. This shall include, but not be limited to, expenditures for food and refreshment, expenses for admission and other related fees for sporting or other entertainment activities. The records shall be available for inspection by the Board or by a person appointed by it in writing pursuant to RCW 66.08.130 and said records shall be maintained for two years.

(3) The records shall clearly indicate each expenditure, regardless of the amount, whether or not the recipient was in any way affiliated with a licensed retailer of beer, wine, or spirits. "Affiliated with" as used herein shall include ownership interest, employment, or any form of agency on behalf of a licensed retailer.

(4) The certification required in subsection (1) above to be submitted in connection with an application for renewal of license may also be requested by the board in connection with any complaint or investigation concerning the "moneys' worth" prohibitions of RCW 66.28-.010. Failure to submit the appropriate documentation within ten days of receipt of a request from the board, or such further time as the board may allow in a specific case, shall be good and sufficient cause for suspension or revocation of license privileges.

(5) The certification required by this section shall be in the following form:

"Affidavit of licensee, or certificate of approval holder, or agent or representative thereof, concerning compliance with RCW 66.28.010.

I, _____, having been duly sworn upon oath depose and say:

That I am aware that RCW 66.28.010 prohibits the giving of money or moneys' worth by a licensed manufacturer, importer or wholesaler, or the holder of a certificate of approval, to a licensed retailer. I further understand that as construed in Attorney General's Letter Opinion 1973 No. 28, RCW 66.28.010 is an absolute and unqualified prohibition on gifts of money or moneys' worth regardless of the value of said gifts.

That I understand that the furnishing of food or refreshment, and the expenditure of money for admissions and other related fees for sporting or other entertainment activities for the benefit of anyone affiliated with a licensed retailer constitutes a violation of RCW 66.28-.010 regardless of the amount of money expended or the value of the "money's worth" furnished.

That I hereby certify on behalf of the licensee or certificate of approval holder listed below that (1) I am authorized to execute this certificate on behalf of the licensee or certificate of approval holder and that (2) during the reporting period specified below, no expenditures have been made for the benefit of any person affiliated with a licensed retailer in the state of Washington for food or refreshment, nor has any expenditure of money for admissions and other related fees for sporting or other entertainment activities been made for the benefit of any person affiliated with a licensed retailer.

That I am aware that RCW 9A.72.030 provides that it is a crime (Class C felony) for a person, with intent to mislead a public servant in the performance of his duty, to make under an oath required or authorized by law a materially false statement, knowing it to be false.

Name: _____

Licensed Trade Name of Manufacturer, Importer, Wholesaler or Certificate of Approval Holder: _____

License or Certificate of Approval No. _____

Reporting Period: _____ to _____

Date: _____

SUBSCRIBED AND SWORN TO Before me this ___ day of ____, 19__.

Notary Public in and for the State of Washington, residing at _____.

Reviser's note: Errors of punctuation 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 88-05-013
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2598—Filed February 10, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to effect of resources on financial need, amending WAC 388-28-435.

This action is taken pursuant to Notice No. WSR 87-24-079 filed with the code reviser on December 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 74.04.055 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 9, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2441, filed 11/10/86)

WAC 388-28-435 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES—AFDC AND RA. (1) ~~((Household furnishings and personal clothing essential for daily living are exempt resources without ceiling value. Such items in storage shall be presumed to be not essential for daily living, but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.~~

~~((2)) Resources shall not exceed one thousand dollars per household regardless of size. The ~~((total value of))~~ department shall consider cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, ~~((and))~~ excess equity value of vehicles, value of nonexempt property, and any other resources not specifically ~~((exempted shall not exceed one thousand dollars regardless of family size. Possession of resources in excess of the maximum shall render the household ineligible))~~ exempt.~~

((2) Regardless of value, the department shall exempt household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

((3) The department shall exempt term or burial insurance up to ~~((a maximum))~~ an equity value of one thousand five hundred dollars per ~~((family))~~ household member ~~((for the use of the applicant or applicants or recipient or recipients is exempt)).~~

(4) ~~The department shall exempt one cemetery plot for each ((member of the)) assistance household ((is exempt personal property)) member. ((Any additional plots shall be considered as a resource with other resources up to the ceiling maximum of one thousand dollars.))~~

(5) ~~The department shall exempt one used and useful vehicle with an equity value of one thousand five hundred dollars or less ((is an exempt resource)).~~

(6) ~~((Excess equity value of a used and useful vehicle and the equity value of other vehicles shall apply toward the limit in subsection (2) of this section.~~

(7) ~~The department shall consider an income tax refund ((or a compensatory award is)) a resource in the month received ((and considered with the resources in subsection (2) of this section)). ((a)) "Income tax refund" ((is defined as that portion of)) means a payment received from a state or from the ((U.S.)) United States Internal Revenue Service (IRS) representing a refund of taxes previously paid. The Earned Income Tax Credit portion ((of an IRS payment)) is excluded from this definition. ((b) A "compensatory award" is defined as a one-time settlement or benefit received as a result of a personal injury or wrongful death or from victims of crime compensation or labor and industries, other than time-loss compensation.))~~

WSR 88-05-014

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-04—Filed February 11, 1988]

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 sturgeon and salmon are available, and these rules are adopted at the recommendation of the Columbia River Compact.

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

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

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

APPROVED AND ADOPTED February 8, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100Z COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, effective immediately, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may:

(a) fish for salmon and steelhead from noon to February 1 to noon March 6;

(b) fish for sturgeon immediately to noon April 30.

(2) During the seasons specified in subsection 1, it is unlawful:

(a) To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.

(b) To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.

(c) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300

(3) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the

thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

WSR 88-05-015

ADOPTED RULES

BOARD OF ACCOUNTANCY

[Order ACB-145—Filed February 11, 1988]

Be it resolved by the Board of Accountancy, acting at Seattle, Washington, that it does adopt the annexed rules relating to CPA exam, WAC 4-25-142.

This action is taken pursuant to Notice No. WSR 87-22-070 filed with the code reviser on November 4, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Board of Accountancy as authorized in RCW 18.04.055(9).

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

APPROVED AND ADOPTED January 21, 1988.

By Carey L. Rader
Chief Executive Officer

NEW SECTION

WAC 4-25-142 CPA EXAM—POLICY ON CHEATING. (1) Purpose. The purpose of this cheating policy is to define cheating for purposes of the CPA examinations and the penalties the board may impose for cheating. Cheating includes, but is not limited to:

(a) Communication between candidates inside or outside of the examination room during the examination.

(b) Unauthorized communication with others outside of the examination room during the examination.

(c) Substitution by a candidate of another person to 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 during the examination.

(e) Copying another candidate's answers.

(2) Policy. Cheating on the CPA examination is dishonesty related to the professional responsibilities of a CPA. The board may impose one or more of the following penalties:

(a) Enter a failing grade for any or all parts of the candidate's examination;

(b) Bar a candidate from writing future examinations;

(c) Expel a candidate from the examination room.

Board representatives may move a candidate suspected of cheating away from other candidates. Board representatives may request any candidate suspected of cheating or who may have observed cheating to remain for a reasonable period of time following an examination session for questioning. The board may schedule a hearing to determine the validity of the charge of cheating.

All candidates involved in cheating may be subject to penalties, although not necessarily of the same severity.

Other jurisdictions to which a candidate may apply for the examination may be notified of the board's conclusions and order.

WSR 88-05-016

PROPOSED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Filed February 11, 1988]

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 special meeting, WAC 296-116-020;

that the agency will at 9:00 a.m., Thursday, March 10, 1988, in the Henry M. Jackson Federal Building, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-01-095 filed with the code reviser's office on December 22, 1987.

Dated: January 19, 1988

By: Marjorie Smitch
Assistant Attorney General

WSR 88-05-017
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed February 11, 1988]

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 emergency meeting, WAC 296-116-030;

that the agency will at 9:00 a.m., Thursday, March 10, 1988, in the Henry M. Jackson Federal Building, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-01-096 filed with the code reviser's office on December 22, 1987.

Dated: January 19, 1988
By: Marjorie Smitch
Assistant Attorney General

WSR 88-05-018
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed February 11, 1988]

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 physical requirements, WAC 296-116-120;

that the agency will at 9:00 a.m., Thursday, March 10, 1988, in the Henry M. Jackson Federal Building, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-01-098 filed with the code reviser's office on December 22, 1987.

Dated: January 19, 1988
By: Marjorie Smitch
Assistant Attorney General

WSR 88-05-019
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed February 11, 1988]

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 exempt vessels, WAC 296-116-360;

that the agency will at 9:00 a.m., Thursday, March 10, 1988, in the Henry M. Jackson Federal Building, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-01-099 filed with the code reviser's office on December 22, 1987.

Dated: January 19, 1988
By: Marjorie Smitch
Assistant Attorney General

WSR 88-05-020
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed February 11, 1988]

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 procedure for refusal of certain pilots by shippers or agents, WAC 296-116-400;

that the agency will at 9:00 a.m., Thursday, March 10, 1988, in the Henry M. Jackson Federal Building, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-01-100 filed with the code reviser's office on December 22, 1987.

Dated: January 19, 1988
By: Marjorie Smitch
Assistant Attorney General

WSR 88-05-021
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
 [Filed February 11, 1988]

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 definition of Grays Harbor pilotage district, WAC 296-116-410;

that the agency will at 9:00 a.m., Thursday, March 10, 1988, in the Henry M. Jackson Federal Building, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.16.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-01-101 filed with the code reviser's office on December 22, 1987.

Dated: January 19, 1988

By: Marjorie Smitch
 Assistant Attorney General

WSR 88-05-022
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 342—Filed February 11, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, that it does adopt the annexed rules relating to emergency declaration, dogs, may be taken into custody or destroyed, WAC 232-12-04507. Dogs pursuing, harassing, attacking or killing deer or elk in Okanogan County may be taken into custody or destroyed.

We, the State Wildlife Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is winter conditions have created a severe problem making deer vulnerable to pursuit, harassment, attack or being killed by dogs running loose. Instances of deer being killed by dogs have been documented.

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

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

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

APPROVED AND ADOPTED February 11, 1988.

By Jerry Neal
 Interim Director

NEW SECTION

WAC 232-12-04507 EMERGENCY DECLARATION, DOGS MAY BE TAKEN INTO CUSTODY OR DESTROYED. Pursuant to the determination by the Director of Wildlife that a severe problem exists in Okanogan County, the State Wildlife Commission declares that an emergency exists, and that effective February 12, 1988 at 12:01 a.m., in the aforementioned county, it is lawful for Wildlife agents to take into custody, or destroy if necessary, any dog found pursuing, harassing, attacking or killing deer. Wildlife agents who take into custody or destroy a dog pursuant to this rule and RCW 77.12.315 are immune from civil or criminal liability arising from their actions.

WSR 88-05-023
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
 [Memorandum—February 9, 1988]

Wednesday, March 16, 1988, 4:00 p.m.

The Washington State Library Commission will meet for a staff briefing in the Office of the State Librarian, State Library Building, Capitol Campus, Olympia.

Thursday, March 17, 1988, 10:00 a.m.

The Washington State Library Commission will hold a public hearing on amending chapter 304-12 WAC, Library Services and Construction Act Title II construction grant application process, in the Timberland Regional Library Service Center, 415 Airdustrial Way S.W., Olympia. The regular business meeting will follow immediately.

WSR 88-05-024
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed February 12, 1988]

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 state support of public schools, chapter 180-16 WAC;

that the agency will at 9:00 a.m., Thursday, March 24, 1988, in Room C, Holiday Inn, Everett, 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, March 25, 1988.

The authority under which these rules are proposed is RCW 28A.58.754(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, March 24, 1988.

Dated: February 12, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-16 WAC, State support of public schools.

Rule Section(s): WAC 180-16-223, Temporary out-of-endorsement assignment criteria.

Statutory Authority: RCW 28A.58.754(6).

Purpose of the Rule(s): Establishes standards and procedural criteria for school districts and teachers to meet with regards to out-of-endorsement assignments. The rule also provides opportunities for waivers from the out-of-endorsement criteria based on State Board of Education approval.

Summary of the New Rule(s) and/or Amendments: WAC 180-16-223 (5)(b) changes the procedure of school districts presenting their out-of-endorsement waiver resolutions individually to the state board and specifies that the presentation shall be made by the Superintendent of Public Instruction.

Reasons Which Support the Proposed Action(s): The procedure for having each school district present its out-of-endorsement waiver resolution at State Board of Education meetings is viewed as being too burdensome and time-consuming. By having staff of the Superintendent of Public Instruction make the presentations, the time will be used more effectively and the members of the board will be able to have the materials for each school district waiver well ahead of the board meetings.

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, 753-3222; and Enforcement: Dr. John Swiger, Basic Education Approval, 753-6710.

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 5-86, filed 6/10/86)

WAC 180-16-223 TEMPORARY OUT-OF-ENDORSEMENT ASSIGNMENT CRITERIA. In order for a temporary out-of-endorsement assignment for a classroom teacher to comply with the basic education approval standards, the board of directors of the district must comply with the following:

(1) The board of directors of the district must make one or more of the following factual determinations:

(a) The district was unable to recruit a teacher with the proper endorsement.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

(2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.67.065 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The board of directors of the district shall comply with the following conditions:

(a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

(b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day unless the school building in which such teacher is assigned has a preexisting policy of assigning classroom teachers to "block programs," which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students. However, in order to be eligible for assignment to block programs, the teacher so assigned must be endorsed in one of the subject areas within the block program and must meet the criterion in subsection (2)(b) of this section in each of the additional subject areas within the block program.

(c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.67.065 or nonrenewal of such teacher pursuant to RCW 28A.67.070.

(d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to WAC 180-16-223 (3)(a). Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5) PROVIDED, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The ~~((district presents))~~ superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

WSR 88-05-025

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Registration for Landscape Architects)

[Order PM 707—Filed February 12, 1988]

Be it resolved by the Board of Registration for Landscape Architects, acting at Seattle, Washington, that it does adopt the annexed rules relating to qualifications for admittance to the examination, amending WAC 308-13-020.

This action is taken pursuant to Notice No. WSR 88-02-069 filed with the code reviser on January 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.96.060 and 18.96.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 11, 1988.

By Don Shimono
Chairman

AMENDATORY SECTION (Amending Order PL 511, filed 1/31/85)

WAC 308-13-020 QUALIFICATIONS FOR ADMITTANCE TO THE EXAMINATION. Applicants shall file with the director of licensing on or before March 15 an application, on forms provided by the board, accompanied by fee and verification of academic and practical training and such additional evidence as may be required to satisfy the board that the applicant has the following qualifications:

(1) Possession of good moral character, verified by five references, three from landscape architects and two from other persons.

(2) Attainment of at least eighteen years of age.

(3) A minimum of seven years of any combination of academic and practical training experience approved by the board, e.g.

(a) ACADEMIC TRAINING

(i) With a passing grade, 32 semester credit hours or 48 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(ii) A degree in landscape architecture or credits from a registered college will be weighted at one hundred percent with a four year maximum credit for academic training.

(iii) Credits in landscape architecture from a college not registered may be weighted up to seventy-five percent with a three year maximum credit for academic training.

(iv) Credits in architecture or civil engineering will be weighted at fifty percent with a two year maximum credit for academic training.

(b) PRACTICAL TRAINING

(i) Practical training experience, work in landscape architecture and related work experience, will be measured in calendar years.

(ii) No training prior to graduation from high school will be accepted.

(iii) At least one year of practical training experience shall be attained after termination of academic training.

(iv) Employment duration less than three months will not be counted.

(v) One-third of the required minimum practical training must be under the direct supervision of a landscape architect.

(vi) Work under the direct supervision of a landscape architect will be weighted at one hundred percent, no limit.

(vii) Work under the direct supervision of an architect, engineer, city or urban planner, nurseryman or landscape contractor will be weighted at seventy-five percent, in any combination limited to two-thirds of the required training experience.

~~((viii) Employment by governmental agencies, when diversified and comparable to employment in the offices of a landscape architect, when directly related to landscape architecture and under the direct supervision of a landscape architect, will be weighted at seventy-five percent, limited to two-thirds of the required training experience.))~~

WSR 88-05-026

NOTICE OF PUBLIC MEETINGS CLEMENCY AND PARDONS BOARD

[Memorandum—February 5, 1988]

Clemency and Pardons Board meetings shall be held on Friday, March 25, 1988, and thereafter on the second Friday of June, September and December 1988, at 9:00 a.m. in the Governor's Conference Room.

WSR 88-05-027
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—February 12, 1988]

February 18, 1988
 Thursday, 4:00 p.m.
 Board of Trustees
 Lynnwood Hall, Room 424

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 88-05-028
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 294—Filed February 12, 1988—Eff. April 1, 1988]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA, that it does adopt the annexed rules relating to work period designations, amending WAC 356-15-020.

This action is taken pursuant to Notice No. WSR 88-01-031 filed with the code reviser on December 10, 1987. These rules shall take effect at a later date, such date being April 1, 1988.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 11, 1988.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 286, filed 11/24/87, effective 1/1/88)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. (1) The personnel board shall assign a specific work period designation to each job class. In deciding which work period designation is appropriate, the personnel board shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The personnel board may authorize a work period designation for an individual position which differs from the class-wide designation when the position has atypical working conditions. When two or more designations are indicated for a job class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled."

(a) Scheduled (S):

(i) Standard: Full-time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours (~~and occurring within the same workweek~~).

(ii) Alternate: Full-time positions with conditions of employment which may be completed within:

(A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(B) Four work days lasting not more than ten working hours each within the same workweek; or

(C) Four nine-hour work days and one four-hour work day; or

(D) Ten consecutive work days with four consecutive days off; or

(E) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(F) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(iii) Unlisted: Full-time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(b) Nonscheduled (NS): Full-time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within

the workweek. These positions may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.

(c) Law enforcement (1): Full-time positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. (Defined as law enforcement personnel in WAC 356-05-210.)

(d) Exceptions (e): Full-time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

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 88-05-029
PROPOSED RULES
GAMBLING COMMISSION
[Filed February 12, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning new section WAC 230-20-699;

that the agency will at 10:00 a.m., Friday, April 8, 1988, in the Town Plaza, North 7th Street and East Yakima Way, Yakima, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 9.46.070 (8), (11) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 8, 1988.

Dated: February 12, 1988
By: Frank L. Miller
Deputy Director

STATEMENT OF PURPOSE

Title: New section WAC 230-20-699 Special amusement game license—Self-dispensing amusement games—Test at limited locations.

Description of Purpose: Amends the current proposal to include miniature golf facilities in the 12 month test.

Statutory Authority: RCW 9.46.070 (11) and (14).

Summary of Proposed Rules and Reasons Supporting Action: Authorizes a 12 month test of self-dispensing amusement games.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Ronald O. Bailey, Director, and Frank L. Miller, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-1075 scan, 753-1075 comm.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment and new rule.

Agency Comments: The agency believes the proposed amendment and new rule are self-explanatory and need no further comment.

This amendment and new rule were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment or new rule.

NEW SECTION

WAC 230-20-699 SPECIAL AMUSEMENT GAME LICENSE - TEST AT LIMITED LOCATIONS. (1) Beginning May 1, 1988, the commission will conduct a twelve month test to determine the feasibility of allowing the operation of electronic crane and other self-dispensing amusement games at selected locations. For the purposes of this test, operators allowed to participate will be divided into two groups:

(a) Those applicants that possess a valid license from the Washington State Liquor Board and prohibit minors on their premises; and

(b) Those locations that are frequented by minors to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities.

(2) This test shall be conducted using the following rules and limitations:

(a) Each participant shall be required to obtain a class B through E "special location amusement game" license as set forth in WAC 230-04-201. For the purposes of this test, the operator of the business where the coin operated amusement game(s) is located and operated shall be licensed. If the amusement game(s) is owned by someone other than the premises operator, that person(s) shall also obtain a license;

(b) Licenses issued under this test will not be subject to the limitations as specified in WAC 230-20-380 and WAC 230-12-230;

(c) The maximum fee to play shall be \$1.00 per game at the locations specified in (1)(a) above, and 25 cents at the locations specified in (1)(b);

(d) The operator(s) cost for each merchandise prize offered shall be equal to or greater than the amount wagered per game;

(e) Prior to being put out for play, all games must be submitted to the Commission staff for testing and for ultimate approval by the Commission. Provided: The Director may approve electronic cranes for use in this test that meet the standards set for in WAC 230-20-605 (2)(b);

(f) All games must be equipped with non-resetable "coin-in meters" to measure the gross revenue of each game;

(g) All games must have non-resetable prize counters to measure the number of prizes awarded;

(h) All games must have affixed a certification and identification stamp issued by the Commission. Each stamp shall cost \$30. Any such game located in an area authorized under 1(a) or (b) which does not have this stamp attached, or licensed under this rule, shall be prima facie evidence of an unauthorized game being used and shall subject said game to immediate seizure and forfeiture under RCW 9.46.230;

(i) Such games shall not be subject to the prohibition on revenue sharing set forth in WAC 230-12-220; and

(j) All operators shall complete and submit a "special coin operated amusement game test" report, in a format provided by the Commission, on a monthly basis. This report shall be submitted no later than 15 days following the end of each month;

(3) This test shall expire on April 30, 1989, or at a earlier date if the Commission determines that it is in the public interest. At the end of the test period the Commission shall evaluate the test results and determine whether the limited locations contained in WAC 230-20-380 should be expanded for self-dispensing amusement games.

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 88-05-030
ADOPTED RULES
LOTTERY COMMISSION
[Order 107—Filed February 12, 1988]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to ticket purchases, amendatory section WAC 315-32-050.

This action is taken pursuant to Notice No. WSR 88-02-066 filed with the code reviser on January 6, 1988. 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 February 12, 1988.
By Scott Milne
Deputy Director

AMENDATORY SECTION (Amending Order 105, filed 10/29/87)

WAC 315-32-050 TICKET PURCHASES. (1) Lotto tickets may be purchased between 6:00 a.m. and 11:00 p.m., Sunday, Monday, Tuesday, Thursday, Friday and from 6:00 a.m. to the time established under WAC 315-30-040(2) 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.))~~

WSR 88-05-031
ADOPTED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 304—Filed February 12, 1988]

Be it resolved by the State Wildlife Commission and Department of Wildlife, acting at the Best Western Executive Inn, 5700 Pacific Highway East, Tacoma, WA 98424, that it does adopt the annexed rules relating to:

New WAC 232-12-276 Scientific permits.
Rep WAC 232-12-274 Conditions for issuance of permits for scientific collection, research or display.

This action is taken pursuant to Notice No. WSR 87-24-093 filed with the code reviser on December 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 77.32.010 (2)(b) and 77.32.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 15, 1988.
By Dr. James M. Walton
Chairman, Wildlife Commission

NEW SECTION

WAC 232-12-276 SCIENTIFIC PERMITS (1) It is unlawful to collect wildlife or their nests and eggs for the purpose of research or display without first obtaining a Washington state scientific permit.

(2) A scientific permit, valid for the time specified on the permit, may be issued to a person to collect wildlife or their nests and eggs for the purpose of research or display.

(3) The Director may issue and place conditions upon the exercise of a scientific permit if the applicant complies with the following:

(a) The applicant will submit a completed application providing specific information required by the Director.

(b) The applicant will submit a study plan which includes specific project objectives and justification for collection; target species and number to be collected; method(s) of collection; location(s) of collection; and proposed final disposition of collection.

(c) The applicant will demonstrate their qualifications for conducting the collection and the research or display of wildlife as requested in the application.

(d) The applicant will demonstrate access to adequate facilities and competence necessary to care for live wildlife to be collected for research or display.

(4) Scientific permits will not be granted if, in the opinion of the Director, the collection conflicts with existing collection, research or management activities.

(5) A copy of the valid scientific permit must be in the possession of any person exercising the privileges authorized by the permit. Subpermittees will be identified in a manner prescribed by the director.

(6) It is unlawful for a scientific permit holder to fail to keep accurate records showing information as required by the director. These records shall be maintained on a calendar year basis and shall be retained for a period of five years.

(7) It is unlawful for the holder of a scientific permit to fail to submit to the Department an annual report providing information as required by the Director no

later than January 31 of the year following issuance of a scientific permit.

(8) Scientific permit holders collecting wildlife or their nests or eggs for the purpose of research must submit to the Department a copy of the final report. Interim reports may be required.

(9) Wildlife Agents may inspect at reasonable times and in a reasonable manner the wildlife, nests, eggs, permits, records, and facilities of a scientific permit holder.

(10) It is unlawful for live wildlife collected directly from the wild to be displayed except by publicly owned zoos and aquariums. Live non-releasable wildlife acquired under a wildlife rehabilitation permit may be used for wildlife education programs under conditions prescribed by the director.

(11) It is unlawful to fail to comply with the conditions of a scientific permit.

(12) For the purposes of this rule, the following definitions apply:

(a) "Collect" means to take control of or attempt to take control of wildlife or their nests and eggs.

(b) "Display" means to place or locate wildlife so that public viewing is encouraged or allowed.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-274 CONDITIONS FOR ISSUANCE OF PERMITS FOR SCIENTIFIC COLLECTION, RESEARCH OR DISPLAY

WSR 88-05-032
ADOPTED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 305—Filed February 12, 1988]

Be it resolved by the State Wildlife Commission, acting at the Best Western Executive Inn, 5700 Pacific Highway East, Tacoma, WA 98424, that it does adopt the annexed rules relating to wildlife classified as endangered species, amending WAC 232-12-014.

This action is taken pursuant to Notice No. WSR 87-24-092 filed with the code reviser on December 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 77.12.020(6) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 15, 1988.

By Dr. James M. Walton
Chairman, Wildlife Commission

AMENDATORY SECTION (Amending Order 192, filed 9/9/82)

WAC 232-12-014 WILDLIFE CLASSIFIED AS ENDANGERED SPECIES. Endangered species include: Columbian white-tailed deer, *Odocoileus virginianus leucurus*; Mountain caribou, *Rangifer tarandus*; Blue whale, *Balaenoptera musculus*; Bowhead whale, *Balaena mysticetus*; Finback whale, *Balaenoptera physalus*; Gray whale, *Eschrichtius gibbosus*; Humpback whale, *Megaptera novaeangliae*; Right whale, *Balaena glacialis*; Sei whale, *Balaenoptera borealis*; Sperm whale, *Physeter catodon*; Wolf, *Canis lupus*; Peregrine falcon, *Falco peregrinus*; Aleutian Canada goose, *Branta canadensis leucopareia*; Brown pelican, *Pelecanus occidentalis*; Leatherback sea turtle, *Dermochelys coriacea*; Grizzly bear, *Ursus arctos horribilis*; Sea Otter, *Enhydra lutris*; White pelican, *Pelecanus erythrorhynchos*; Sandhill crane, *Grus canadensis*; Snowy plover, *Charadrius alexandrinus*; Upland sandpiper, *Bartramia longicauda*; Northern spotted owl, *Strix occidentalis*.

WSR 88-05-033

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1965—Filed February 12, 1988]

I, C. Alan Pettibone, director of [the Department of Agriculture], do promulgate and adopt the annexed rules relating to restrictions on the use of restricted use herbicides in chapters 16-230, 16-231 and 16-232 WAC.

This action is taken pursuant to Notice No. WSR 88-01-128 filed with the code reviser on December 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 chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 12, 1988.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

WAC 16-231-015 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 1. (1) Area 1 description.

(a) (Prosser to Finley and ((vicinity)) the atomic energy commission reservation.) ((~~This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south~~

of the Yakima River, and that portion of T8N, R28E, lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36, and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.) Beginning at the Yakima-Benton County line and the southwest corner of Section 19, T8N, R24E; thence east one mile along section lines to the southeast corner of Section 19, T8N, R24E; thence north one mile along section lines to the northeast corner of Section 19, T8N, R24E; thence east seven miles along section lines to the southeast corner of Section 17, T8N, R25E; thence north three miles along section lines to the northeast corner of Section 5, T8N, R25E; thence east two miles along section lines to the southeast corner of Section 34, T9N, R25E; thence north one mile along section lines to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southeast corner of Section 25, T9N, R25E; thence north one mile along section lines to the northeast corner of Section 25, T9N, R25E; thence east six miles along section lines to the southeast corner of Section 24, T9N, R26E; thence south two miles along section lines to the southwest corner of Section 31, T9N, R27E; thence east five and one-half miles more or less along section lines to the K.I.D. Canal; thence southeasterly along the K.I.D. Canal to its confluence with Columbia River; thence northwesterly along the Columbia River to the Yakima-Benton County line; thence south one mile more or less along section lines to the southwest corner of Section 18, T13N, R24E; thence east three miles along section lines to the southeast corner of Section 16, T13N, R24E; thence south one mile along section lines to the southwest corner of Section 22, T13N, R24E; thence east one-half mile to the Atomic Energy Commission west boundary line; thence easterly and southerly along the Atomic Energy Commission boundary line to the Yakima River; thence southerly along the Yakima River to the south boundary of Section 31, T10N, R27E; thence west eighteen and one-half miles more or less along section lines to the Yakima-Benton County line; thence south along Yakima-Benton County line to the point of origin.

(b) An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north ((eight)) five miles to the northeast corner of Section ((6)) 19, T6N, R26E; thence west ((one)) two miles to the northwest corner of Section ((6)) 24, T6N, ((R26E)) R25E; thence south ((three miles to the southwest corner of Section 18, T6N, R26E)) one-half mile along section lines; thence west ((six)) two miles to the common boundary of Section 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southwest corner of Section 15,

T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence one mile north to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-020 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 2. (1) Area 2 description.

(a) (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) ((Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, Sections 21 through 25, and Section 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, Sections 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D. Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of Sections 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County)) This area includes all lands lying within a boundary beginning at Yakima-Benton County line and the southern boundary line of Area 1, northwest corner of Section 30, T8N, R24E; thence easterly along the southern boundary line of Area 1 to the Columbia River; thence south along the Columbia River to the southeast corner of Section 20, T7N, R31E; thence west seven and one-half miles along

section lines and Kirk Road; thence south one-half mile more or less along Nine Canyon Road; thence west five and one-half miles more or less along Beck Road; thence north one-half mile along section lines to the southeast corner of Section 19, T7N, R29E; thence west along section lines eight miles to the southwest corner of Section 24, T7N, R27E; thence north along section lines four miles to the intersection with Sellards Road at the northwest corner of Section 1, T7N, R27E; thence west along Sellards Road and section lines twenty-three miles more or less to the Yakima-Benton County line; thence north to the point of beginning.

(b) ((Also including an area beginning at the boundary of (Yakima and Benton counties in Benton County at the northwest corner of) Section 19, T13N, R24E; thence east three miles to the northeast corner of Section 21, T13N, R24E; thence south one mile to the southeast corner of Section 21, T13N, R24E; thence east one mile to the northeast corner of Section 27, T13N, R24E; thence south four miles to the southeast corner of Section 10, T12N, R24E; thence west to the southwest corner (Yakima-Benton County line) of Section 7, T12N, R24E; thence north to the point of beginning:)) Also including an area lying within a boundary beginning at the northwest corner of Section 19, T13N, R24E; thence east along the section lines three miles to the northeast corner of Section 21, T13N, R24E; thence south along the section line one mile to the southeast corner of Section 21, T13N, R24E; thence east along the section line one-half mile more or less to the Atomic Energy Commission Reservation west boundary line; thence southeasterly along the reservation boundary line to the Yakima River; thence southerly along the Yakima River two miles more or less to the south section line of Section 31, T10N, R27E; thence west along section lines nineteen miles more or less to the Yakima-Benton County line; thence north along the county line to the point of beginning.

(c) ((An area near Patterson bordering Area 1. A two-mile border around Area 1 beginning at the southwest corner of Section 10, T5N, R26E; thence following section lines north ten miles to the northeast corner of Section 28, T7N, R26E; thence five miles west to the northwest corner of Section 26, T7N, R25E; thence south three miles to the southwest corner of Section 2, T6N, R25E; thence west six miles to the northwest corner of Section 11, T6N, R24E; thence south seven miles to the southwest corner of Section 11, T5N, R24E; thence two miles east to the northwest corner of Section 18, T5N, R25E; thence four miles south to the southwest corner of Section 31, T5N, R25E; thence east along section lines to the Columbia River; thence northeasterly along the shore of Blalock Island to the point of origin:)) A one mile buffer zone bordering Area 1 near Paterson. Includes all sections adjacent to Area 1 and Sections 14 and 15, T6N, R25E, Section 32, T5N, R25E, and all of Blalock and Coyote Islands not included in Area 1.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April ((+)) 5 through October 31.

(b) On and after April ((+)) 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April ((+)) 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other susceptible crops. On and after November 1 through March 31 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

WAC 16-231-115 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1. (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along ((section lines nineteen miles to the Burlington Northern Railroad tracks; thence southeasterly approximately four miles to Moon Road; thence south two miles to State Highway 260; thence west along State Highway 260 approximately five miles to its intersection with State Highway 17; thence south along State Highway 17 approximately seven miles to its intersection with Highway 395; thence south along Highway 395 approximately seven miles to the southwest corner of Section 1, T11N, R30E; thence east one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south fifteen miles more or less along the section lines to the junction of the east section line of Section 25, T9N, R30E, and the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence following the Columbia River westerly and northerly to the north section line of Section 28, T14N, R27E; thence east along the Grant County line four miles more or less to the northeast corner of Section 25, T14N, R27E; thence north along the Grant County border four miles to the point of origin)) the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines fifteen miles more or less to the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30,

T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area) (~~Levey~~): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: PROVIDED, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

NEW SECTION

WAC 16-231-119 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1A. (1) Area 1A description. This area includes all lands lying within a boundary line starting at the intersection of State Route 17 and the Adams-Franklin County line at the north section line of Section 5, T14N, R30E; thence east along the Adams-Franklin County line five miles more or less to the Burlington Northern Railroad; thence southeasterly along the railroad, including the right of way, four miles more or less to the intersection with Moon Road; thence southerly along Moon Road, including the right of way, two miles more or less to the intersection with State Route 260 at the southeast corner of Section 27, T14N, R31E; thence west along State Route 260, including the right of way, five miles more or less to the intersection with State Route 17; thence northwesterly along State Route 17, excluding the right of way, to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to

alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-125 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 2. (1) Area 2 description. This area includes all of the lands (~~in Franklin County lying west and south of a line starting at the northwest corner of Section 36, T14N, R30E; thence east along the Hendricks Road five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwest along the Snake River to the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to state Highway 17; thence northerly along state Highway 17 fourteen miles more or less to the northwest corner of Section 36, T14N, R30E excluding lands in Franklin County within a two-mile radius of the town of Levey~~) lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwest along the Snake River to the east section line of Section 25, T9N, R30E; thence north along the section lines fifteen miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to

its intersection with State Route 17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((+)) 5 through October 31 of each year.

(b) On and after April ((+)) 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April ((+)) 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-225 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 2. (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((+)) 5 through October 31.

(b) On and after April ((+)) 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April ((+)) 5 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-912 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1A. (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to highway 24; thence following highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((+)) 5 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April ((+)) 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter

of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through ((March 31)) April 4 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April ((+)) 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-232-010 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 1. (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the ((Northern Pacific Railroad and the Washington-Oregon state line, Section 15, T6N, R32E, thence north to the northeast corner of Section 15, T7N, R32E; thence east to the intersection of Section 10, T7N, R33E; thence 14 sections north with a portion of the north to south boundary being the Touchet River Road to its intersection with State Route 124; thence west approximately one-half mile to the intersection of State Route 124 and G.M. Rice Road; thence northerly along G.M. Rice Road to the Snake River; thence southwesterly along the Snake River to the Columbia River; thence southerly along the Columbia River to the Washington-Oregon state line; thence east)) common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to the Columbia River; thence southerly along the Columbia River to the Washington-Oregon state line; thence east along the state line nine miles more or less to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April ((+)) 5 through October 31.

(b) On and after April ((+)) 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of ((0.031)) .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April ((+)) 5 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-015 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the ((Washington-Oregon state line and the southeast corner of Section 16, T6N, R36E; thence north one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east two miles to the southeast corner of Section 2, T6N, R36E; thence north three miles to the southwest corner of Section 24, T7N, R36E; thence east one mile to the southeast corner of Section 24, T7N, R36E; thence north one mile to the southwest corner of Section 18, T7N, R37E; thence east one mile to the southeast corner of Section 18, T7N, R37E; thence north one mile to the northeast corner of Section 18, T7N, R37E; thence west nine miles to the northwest corner of Section 14, T7N, R35E; thence south one mile to the northwest corner of Section 23, T7N, R35E; thence west one mile to the northwest corner of Section 22, T7N, R35E; thence south to State Road 410; thence westerly along State Road 410 to the York Road and south along the York and Saver Road to the Frog Hollow Road; thence east along the Frog Hollow Road to the Locker Road; thence south along the Locker Road to the Washington-Oregon state line; thence east along the state line)) intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less

to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: PROVIDED, That the aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675): PROVIDED FURTHER, That aerial applications of nonvolatile formulations of restricted use herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: PROVIDED, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-020 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 2A. (1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area ((starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N, R32E; thence north six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east ten miles more or less to the southwest corner of Section 9, T7N, R34E; thence north one mile to the northwest corner of Section 9, T7N, R34E; thence east two miles to the southwest corner of Section 2, T7N, R34E; thence north one mile to the northwest corner of Section 2, T7N, R34E; thence east two miles to the southwest corner of Section 31, T8N, R35E; thence north six miles to the northwest corner of Section 6, T8N, R35E; thence east twenty-four miles to and along the Columbia-Walla Walla county line to the northeast corner of Section 1, T8N, R38E; thence south fourteen miles more or less to the Washington-Oregon state line and west)), excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the

southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That 2,4-DB shall be allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-025 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 3. (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-232-027 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 3A. (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

WAC 16-232-038 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—WALLA WALLA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 ((and)), 2, and 3A of Walla Walla County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
 - (b) The address or location of the land where the chemical was applied;
 - (c) The year, month, day, and time the chemical was applied;
 - (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
 - (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
 - (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
 - (g) Specific crop or site to which the chemical was applied.
- (2) Application records shall be completed and available to the department the same day the chemicals were applied.
- (3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-230-640 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—WEATHER AND TEMPERATURE CONDITIONS. Restricted use herbicides shall not be applied on and after April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: PROVIDED, That application at the rate of fifty gallons or more per acre (~~by use of handgun spray equipment only~~) using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the 85°F. temperature cutoff requirement: PROVIDED FURTHER, That when using the invert system, applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at (~~fifteen~~) twelve or more gallons per acre.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-230-655 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—GROUND EQUIPMENT PRESSURE REQUIREMENTS. Pressure shall not exceed twenty-five pounds per square inch at the nozzles: PROVIDED, That pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system: PROVIDED FURTHER, That when using a LP 8002 nozzle instead of a regular 8004 or equivalent, the maximum pressure shall be fifteen pounds per square inch at the nozzle.

WSR 88-05-034

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 1-88—Filed February 12, 1988]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Interpretive regulation—Permanent residence in the United States under color of law—RCW 50.20.098, WAC 192-16-061.

This action is taken pursuant to Notice No. WSR 88-01-053 filed with the code reviser on December 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 under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED February 12, 1988.

By Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-16-061 INTERPRETIVE REGULATION—PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW—RCW 50.20.098. For the purposes of RCW 50.20.098, an individual is permanently residing in the United States under color of law if the individual's presence is known to the Immigration and Naturalization Service (INS) but the individual continues to reside in the United States without a final order of deportation having been entered against the individual. Persons who are currently residing under color of law in the United States and who intend to remain will be considered "permanently residing" in the United States.

WSR 88-05-035
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-05—Filed February 12, 1988]

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 sturgeon and salmon are available, and these rules are adopted at the recommendation of the Columbia River Compact.

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

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

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

APPROVED AND ADOPTED February 10, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-03000N COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-032, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except as provided for in this section:

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

(ii) Legal gear – Drift gill nets with 8 inch minimum mesh.

(iii) Open periods –
12:00 noon February 16 to 6:00 p.m. February 19, 1988.

12:00 noon February 21 to 6:00 p.m. February 26, 1988.

12:00 noon February 28 to 6:00 p.m. March 4, 1988.

(b)(i) Open Areas – That portion of Area 1D upstream from a line perpendicular to the thread of the river from Kelley Point, east bank of Willamette River, and Area 1E.

(ii) Legal Gear – Single wall drift gill nets with 9 inch minimum mesh.

(iii) Open periods –
12:00 noon February 16 to 6:00 p.m. February 19, 1988.

12:00 noon February 21 to 6:00 p.m. February 26, 1988.

(2) It is unlawful to fish for salmon with monofilament gill net webbing or to have on the boat monofilament gill net webbing while fishing for salmon in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E.

(3) Notwithstanding the provisions of WAC 220-32-036 the closed river mouth areas within Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E are:

(a) All tributaries flowing into the Columbia River.

(b) Cowlitz River – those waters between points one mile below and one-half mile above the mouth of the Cowlitz River and lying within one-quarter mile of the Washington shore.

(c) Kalama River – those waters between points one mile downstream and one-half mile upstream of the mouth of the Kalama River and lying within one-quarter mile of the Washington shore.

(d) Lewis River – those waters between points one mile downstream and one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore.

(e) Elokomina River – those waters of Elokomina Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line, from group flashing white light "35" located on Price Island to flashing green light "39" located on Hunting Island, and northly and easterly of a line between flashing light "33" on Price Island to quick flashing green light "31" on the Washington shore.

(f) Washougal River – those waters of the Columbia River Slough lying upstream from a line projected true north from the most western tip of Lady Island to the mainland.

(g) Sandy River – those waters of the Columbia River lying within one-quarter mile from shore between a point one mile below the mouth of the Sandy River and a point at the upper easterly bank at the mouth of the Sandy River.

(h) Big Creek – those waters at the mouth of Big Creek from the Oregon Bank across Knappa Slough to Karlson Island about one-quarter mile above the easterly bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about 3/4 mile below the west bank at the mouth of Big Creek.

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 88-05-036
NOTICE OF PUBLIC MEETINGS
WASHINGTON INSTITUTE
OF APPLIED TECHNOLOGY
 [Memorandum—February 16, 1988]

A special meeting of the Washington Institute of Applied Technology (WIAT) board of directors will be held at 7:30 a.m., February 24, 1988, in the WIAT Board Room, Sixth Floor, WIAT Building, 315 22nd Avenue South, Seattle, WA 98144.

Regular meetings of the WIAT board will be held on the last Wednesday of each odd-numbered month at 7:30 a.m. at the same address.

WSR 88-05-037
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Registration for Architects)
 [Filed February 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Architects intends to adopt, amend, or repeal rules concerning registration by reciprocity, amending WAC 308-12-050;

that the agency will at 9:30 a.m., Friday, April 8, 1988, in the Mercury IV Room, Red Lion Inn, Sea-Tac, 18740 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.08.340.

The specific statute these rules are intended to implement is RCW 18.08.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 31, 1988.

Dated: February 12, 1988

By: James D. Hanson
 Assistant Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Registration for Architects.

Purpose/Summary of Rules: WAC 308-12-050 specifies the requirements for registration in Washington by reciprocity from another state or territory of the United States, the District of Columbia or other country.

Statutory Authority: RCW 18.08.340 and 18.08.400.

Reason Proposed: To rescind the requirement for reciprocal privileges agreements for applicants requesting registration in the state of Washington.

Responsible Personnel: Members of the board who have knowledge of and responsibility for drafting, implementing and enforcing these rules are the members of the board who include: Larry N. Erickson, George H. Nachtsheim, Roger Rue, Benjamin Woo, Vaughn Lein, Harriet Sherburne and Edward L. Cushman. In addition

to the above-mentioned board members, the following personnel of the Department of Licensing have responsibility for implementing and enforcing these rules: Sydney Beckett, Executive Secretary of the Board, and James Hanson, Assistant Executive Secretary of the Board, P.O. Box 9012, Olympia, Washington 98504-8001, phone (206) 753-6967 and scan 234-6967.

AMENDATORY SECTION (Amending Order PL 579, filed 2/5/86)

WAC 308-12-050 REGISTRATION BY RECIPROCITY. Pursuant to RCW 18.08.400, the board will recommend to the director that the director grant a certificate of registration to a registered architect in another state or territory of the United States, the District of Columbia, or another country provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants. Documentation of NCARB certification (~~(which)~~) may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.350.

(2) That the applicant provides a written comparative analysis of Washington state law and the law of the applicant's base state, territory or country.

(3) That the board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

~~((4) That the applicant's base state[,] territory, or country grants reciprocal privileges to architects registered in the state of Washington.))~~

WSR 88-05-038
EMERGENCY RULES
GAMBLING COMMISSION
 [Order 174—Filed February 16, 1988]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendatory section WAC 230-20-064.

We, the Washington State Gambling Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is certain nonprofit/charitable organizations would suffer imparable [impairable] harm without the lifting of the license cap pending on-going study by the commission.

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

This rule is promulgated pursuant to RCW 9.46.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 12, 1988.

By Ronald O. Bailey
 Director

AMENDATORY SECTION (Amending Order 168, filed 6/15/87 [6/16/87])

WAC 230-20-064 MAXIMUM RECEIPTS, PRIZES, AND EXPENSES FOR BINGO GAMES—NET INCOME REQUIRED. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Bona fide charitable or nonprofit organizations licensed to operate bingo must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the license year as set out in WAC 230-04-201 and Table 1. below. Any organization not currently licensed to conduct bingo at any class and applying for a Class "F" or above license shall submit with its license application a pro forma plan of operation including a market study with: Planned attendance, prices, prize payout schedules, and net income predictions; and any other information requested by the commission.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts as percentages of gross receipts shall not exceed the percentages listed in Table 1. by class of license. Any licensee who exceeds the maximum calendar quarter prize payout limit for its class of license by more than two percentage points (2.0%) in any month and/or exceeds its calendar quarter limits during any quarter must report to the commission, no later than 15 days following the end of the month or quarter.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, adjusted net income as a percentage of gross receipts shall not be less than the percentage listed in Table 1. by class of license for any calendar year. Any licensee who reports net income more than two percentage points (2.0%) below the minimum calendar year requirement for its class during any quarter must report to the commission additional information as required.

(4) All administrative procedures, policies, and definitions required to administer this section shall be approved by the commission, and furnished to all affected licensees. Prize payout limits, net income minimum requirements, and administrative procedures will be reviewed annually to measure the effect of this section on the licensed organizations. The annual review shall be held at the March meeting (~~which by law must be held in Olympia~~) and/or periodically by request of the commission with proper and timely notification to the staff.

(5) During the commission's study on maximum limitations on bingo income, an organization may exceed the Class K gross receipts limitation if the organization has been in compliance for the last 12 months with all Class K requirements set forth in Table 1. This authorization will only be issued to those organizations who voluntarily agree to donate 14% of all gross income generated in excess of \$3,500,000 to a charitable organization of their choice. Provided: The donation may not be given to an auxiliary or to another bingo licensee Class E and above. Provided further: All donations made (~~after~~) before the effective date of this amendment may be counted as a credit towards the 14% requirement. This section will terminate on December 31, 198~~(7)~~8.

Table 1.

License Class	Annual Gross Receipts	Calendar Year Prize Payout Limits	Calendar Quarter Prize Payout Limits	Calendar Year Adjusted Net Income Minimum Requirements
A	Up to \$ 10,000	No Limits	No Limits	None
B	\$ 10,001- 50,000	No Limits	No Limits	None
C	50,001- 100,000	No Limits	No Limits	None
D	100,001- 300,000	No Limits	No Limits	None
E	300,001- 500,000	No Limits	No Limits	None
F	500,001- 1,000,000	83.0 - 80.0%	84.0%	4.0 - 5.0%
G	1,000,001- 1,500,000	80.0 - 78.0%	81.0%	5.0 - 7.0%
H	1,500,001- 2,000,000	78.0 - 76.0%	79.0%	7.0 - 9.0%
I	2,000,001- 2,500,000	76.0 - 74.0%	77.0%	9.0 - 11.0%
J	2,500,001- 3,000,000	74.0 - 72.0%	75.0%	11.0 - 13.0%
K	3,000,001- 3,500,000	72.0 - 70.0%	73.0%	13.0 - 14.0%

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

WSR 88-05-039

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-1, Resolution No. 88-1—Filed February 16, 1988—Eff. March 18, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson Federal Building, Seattle, Washington, that it does

adopt the annexed rules relating to pilotage rates for the Puget Sound pilotage district, WAC 296-116-300.

This action is taken pursuant to Notice No. WSR 87-22-060 filed with the code reviser on November 3, 1987. These rules shall take effect at a later date, such date being March 18, 1988.

This rule is promulgated pursuant to RCW 88.16.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 25, 1988.

By Marjorie T. Smith
Assistant Attorney General

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)) March 18, 1988.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee:	\$ ((26.00)) <u>25.00</u>
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:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	
Any tow exceeding seven hours, two pilots are man- datory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchor- age, or from anchorage to anchorage in the same port after all other applicable tariff charges for pi- lotage services have been recognized as payable.	
Waterway and bridge charges:	
Ships up to 90' beam:	
A charge of ((\$135.00)) <u>\$132.00</u> shall be in addi- tion 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)) <u>\$63.00</u> per bridge.	
Ships 90' beam and/or over:	
A charge of ((\$182.00)) <u>\$178.00</u> shall be in addi- tion to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Elev- enth Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through	

CLASSIFICATION	RATE
bridges shall have an additional charge of ((\$128.00)) <u>\$125.00</u> per bridge. (The above charges shall not apply to transit of ves- sels 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)) <u>177.00</u>
Radio direction finder calibration	\$((181.00)) <u>177.00</u>
Launching vessels	\$((272.00)) <u>267.00</u>
Trial trips, 6 hours or less (Minimum \$((443.00)) <u>504.00</u>)	\$ ((73.00)) <u>84.00</u> per hr.
Trial trips, over 6 hours (two pilots)	\$((145.00)) <u>168.00</u> per hr.
Shilshole Bay - Salmon Bay	\$((106.00)) <u>104.00</u>
Salmon Bay - Lake Union	\$ ((84.00)) <u>82.00</u>
Lake Union - Lake Washington (plus LOA zone from Webster Point)	\$((106.00)) <u>104.00</u>
Cancellation charge	LOA Zone I
Cancellation charge - Port Angeles (when pilot is order- ed and vessel proceeds without stopping for pilot.)	LOA Zone I
Docking delay after anchoring:	\$ ((73.00)) <u>84.00</u> per hr.
Applicable harbor shift rate to apply, plus ((\$73.00)) <u>\$84.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((\$73.00)) <u>\$84.00</u> for every hour or fraction thereof.	
Sailing delay:	\$ ((73.00)) <u>84.00</u> per hour
No charge if delay is 60 minutes or less. If the de- lay is more than 60 minutes, charge is ((\$73.00)) <u>\$84.00</u> for every hour or fraction thereof.	
((Slow-down - \$73.00 per hour for all time in ex- cess of time spent in that particular transit for that speed of advance normal for vessel that is stowed:-))	\$ ((73.00)) <u>84.00</u> per hour
<u>Slowdown:</u> When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the ves- sel and not the pilot, and when the difference in ar- rival 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 result- ant difference in arrival time.	
Super ships: 20,000 to 50,000 gross tons: Additional charge to LOA zone mileage of ((\$0.0452)) <u>\$0.0443</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.	

CLASSIFICATION RATE

50,000 gross tons and up:
In excess of 50,000 gross tons, the charge shall be ~~(\$0.054+)~~ \$0.0530 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 six 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))~~
112.00

Bangor ~~((56.00))~~
65.00

Bellingham ~~((106.00))~~
124.00

Bremerton ~~((29.00))~~
34.00

Cherry Point ~~((125.00))~~
146.00

Dupont ~~((56.00))~~
65.00

Edmonds ~~((20.00))~~
23.00

Everett ~~((36.00))~~
42.00

Ferndale ~~((115.00))~~
134.00

Manchester ~~((44.00))~~
51.00

Mukilteo ~~((35.00))~~
41.00

Olympia ~~((72.00))~~
84.00

Point Wells ~~((20.00))~~
23.00

Port Gamble ~~((51.00))~~
60.00

Port Townsend (Indian Island) ~~((73.00))~~
85.00

Semiahmoo (Blaine) ~~((131.00))~~
153.00

Tacoma ~~((37.00))~~
43.00

Tacoma Smelter ~~((42.00))~~
49.00

Winslow ~~((29.00))~~
34.00

- (a) Interport shifts: Transportation paid to and from both points.
- (b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x ~~(\$1.40)~~ \$1.60 per mile.

CLASSIFICATION RATE

((Regular scheduled high speed small passenger service to British Columbia:
Rate per round trip for high speed small passenger vessels, not exceeding one hundred fifty feet in length and less than five hundred gross tons, operated and manned by United States Coast Guard licensed personnel, operating regular service exclusively between Puget Sound and British Columbia ports. This tariff shall be inclusive of one refueling movement per day: \$ 350.00))

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
((Up to 449	128	199	346	518	699	909
450-459	130	204	349	527	709	912
460-469	134	207	352	534	720	916
470-479	139	211	357	546	723	919
480-489	142	216	359	555	729	922
490-499	145	218	363	565	736	928
500-509	151	222	369	573	742	934
510-519	153	228	373	581	748	937
520-529	155	236	380	584	755	946
530-539	161	239	385	590	767	955
540-549	164	243	391	597	781	963
550-559	167	249	394	605	787	972
560-569	173	259	402	610	795	983
570-579	177	263	406	612	802	989
580-589	184	267	413	617	808	1000
590-599	192	272	416	621	818	1010
600-609	199	281	422	623	828	1016
610-619	210	284	430	627	837	1026
620-629	219	288	436	632	846	1036
630-639	231	294	440	634	853	1047
640-649	241	300	445	637	863	1054
650-659	255	306	452	642	872	1064
660-669	263	309	457	645	882	1072
670-679	270	316	461	656	891	1080
680-689	276	322	467	663	899	1090
690-699	284	328	472	674	909	1111
700-719	297	338	483	682	925	1126
720-739	314	349	494	691	946	1144
740-759	328	363	505	699	963	1164
760-779	341	379	516	709	983	1181
780-799	357	392	527	720	1000	1201
800-819	371	406	536	726	1016	1218
820-839	385	419	548	736	1036	1234
840-859	401	437	559	744	1054	1254
860-879	414	452	570	764	1072	1271
880-899	430	466	581	782	1090	1291
900-919	443	480	591	800	1111	1309
920-939	458	494	605	818	1126	1327

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
940-959	472	508	613	837	1144	1344
960-979	486	523	625	853	1164	1363
980-999	503	536	635	872	1181	1381
1000 & over	516	554	647	891	1201	1399
Up to 449	125	195	339	508	685	891
450-459	127	200	342	516	695	894
460-469	131	203	345	523	706	898
470-479	136	207	350	535	709	901
480-489	139	212	352	544	714	904
490-499	142	214	356	554	721	909
500-509	148	218	362	562	727	915
510-519	150	223	366	569	733	918
520-529	152	231	372	572	740	927
530-539	158	234	377	578	752	936
540-549	161	238	383	585	765	944
550-559	164	244	386	593	771	953
560-569	170	254	394	598	779	963
570-579	173	258	398	600	786	969
580-589	180	262	405	605	792	980
590-599	188	267	408	609	802	990
600-609	195	275	414	611	811	996
610-619	206	278	421	615	820	1005
620-629	215	282	427	619	829	1015
630-639	226	288	431	621	836	1026
640-649	236	294	436	624	846	1033
650-659	250	300	443	629	855	1043
660-669	258	303	448	632	864	1051
670-679	265	310	452	643	873	1058
680-689	270	316	458	650	881	1068
690-699	278	321	463	661	891	1089
700-719	291	331	473	668	907	1103
720-739	308	342	484	677	927	1121
740-759	321	356	495	685	944	1141
760-779	334	371	506	695	963	1157
780-799	350	384	516	706	980	1177
800-819	364	398	525	711	996	1194
820-839	377	411	537	721	1015	1209
840-859	393	428	548	729	1033	1229
860-879	406	443	559	749	1051	1246
880-899	421	457	569	766	1068	1265
900-919	434	470	579	784	1089	1283
920-939	449	484	593	802	1103	1300
940-959	463	498	601	820	1121	1317
960-979	476	513	613	836	1141	1336
980-999	493	525	622	855	1157	1353
1000 & over	506	543	634	873	1177	1371

WSR 88-05-040

ADOPTED RULES

COUNTY ROAD ADMINISTRATION BOARD

[Order 68—Filed February 16, 1988]

Be it resolved by the County Road Administration Board, acting at Leavenworth, Washington, that it does adopt the annexed rules relating to:

- New WAC 136-160-065 Use of RATA funds for emergent projects.
- Amd WAC 136-160-050 Project approval and RATA fund allocation.
- Amd WAC 136-130-060 Project prioritization in southeast region.
- Amd WAC 136-130-070 Project prioritization in southwest region.

This action is taken pursuant to Notice No. WSR 88-01-110 filed with the code reviser on December 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 under the general rule-making authority of the County Road Administration Board as authorized in chapter 36.78 RCW.

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

APPROVED AND ADOPTED January 28, 1988.

By Ernest Geissler
Director

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-130-060 PROJECT PRIORITIZATION IN SOUTHEAST REGION (SER). Each county in the SER may submit projects requesting RATA funds not to exceed (\$1,000,000) 30% per county of the SER biennial apportionment. Each project shall be rated in accordance with the SER RAP Rating Procedures. 10% of the SER biennial apportionment shall be reserved for stand-alone bridge projects in each biennium. Whatever part of the bridge reserve is not allocated to bridge projects in each biennium shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 40 points for structural condition, 30 points for geometrics, 20 points for traffic volume and 10 points for traffic accidents. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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 61, filed 2/20/86)

WAC 136-130-070 PROJECT PRIORITIZATION IN SOUTHWEST REGION (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed \$200,000 per project and \$800,000 per county. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP Rating Procedures. SWR RAP rating points shall be assigned on the basis of 25 points for structural condition, 25 points for road surface condition, 30 points for geometrics, 10 points for traffic volume and 10 points for traffic accidents, except that portland cement surfaces and asphalt surfaces with cement concrete bases shall have 50 points for road surface

condition and no points for structural condition. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the project application. (Amended 2-13-86)

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 65, filed 5/12/87)

WAC 136-160-050 PROJECT APPROVAL AND RATA FUND ALLOCATION. The CRABoard will meet as soon as feasible after the passage of each biennial budget by the Legislature to approve RAP projects and allocate RATA funds. RAP projects shall be approved by region in order of their regional priority and RATA funds shall be allocated up to a cumulative dollar amount no greater than 90% of the RATA construction appropriation included in the biennial budget; provided, however, that no county shall receive a total RATA fund allocation greater than the following amounts in the respective regions: NWR, \$500,000; NER, 15% of the regional apportionment; SER, (~~\$500,000~~) 15% of the regional apportionment; and SWR, \$400,000. The remaining construction appropriation may be allocated to approved projects later in the biennium at a time deemed appropriate by the CRABoard.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 136-160-065 USE OF RATA FUNDS FOR EMERGENT PROJECTS. If regional RATA funds are available, the CRABoard may approve emergent RAP projects and allocate RATA funds for such projects beyond any county limit as defined in WAC 136-160-050.

WSR 88-05-041
PROPOSED RULES
DEPARTMENT OF LICENSING
(Veterinary Board of Governors)
[Filed February 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Veterinary Board of Governors intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-150-013 Emergency services.
- Amd WAC 308-151-080 Examination procedures.
- Amd WAC 308-151-090 Frequency and location of examinations.
- Amd WAC 308-153-020 General requirements for all veterinary medical facilities.
- Amd WAC 308-153-030 Minimum physical facilities.

- Amd WAC 308-156-060 Examination for registration as animal technician.
- Amd WAC 308-156-090 Examination procedures.
- Amd WAC 308-156-100 Frequency and location of examinations;

that the agency will at 9:30 a.m., Tuesday, March 29, 1988, in the Department of Licensing, Seattle Regional Office, 464 12th Avenue, Suite 300, Seattle, WA 98122, 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 18.92.030 and 18.92.100.

The specific statute these rules are intended to implement is RCW 18.92.030 and 18.92.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 22, 1988.

Dated: February 16, 1988
By: Amanda L. Tomlinson
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Veterinary Board of Governors.

Title of Rules: WAC 308-150-013 Emergency services; 308-151-080 Examination procedures; 308-151-090 Frequency and location of examinations; 308-153-020 General requirements for all veterinary medical facilities; 308-153-030 Minimum physical facilities; 308-156-060 Examination for registration as animal technician; 308-156-090 Examination procedures; and 308-156-100 Frequency and location of examinations.

Purpose: To amend rules relating to emergency services, examinations, veterinary medical facilities and physical facilities.

Statutory Authority: RCW 18.92.030 and 18.92.100.

Summary of Rules: WAC 308-150-030, to further clarify emergency services and to establish advertising requirements for veterinarians who represent that they provide emergency veterinary services; 308-151-080, to delete departmental policies and procedures from rule; 308-151-090, to delete departmental policies and procedures from rule; 308-153-020, to correct rule as per code reviser's note; 308-153-030, to correct rule as per code reviser's note; 308-156-060, to correct rule as per code reviser's note; 308-156-090, to delete departmental policies and procedures from rule; and 308-156-100, to delete departmental policies and procedures from rule.

Responsible Personnel: In addition to the Veterinary Board of Governors, the following professional program management staff have knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, Washington 98504-8001, phone (206) 753-3199 comm or 234-3199 scan.

Proponents: The Washington State Veterinary Board of Governors.

Federal Law or Federal or State Court Requirements: Not necessitated as a result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact

small businesses as that term is defined in RCW 19.85.020.

AMENDATORY SECTION (Amending Order PL 575, filed 12/18/85)

WAC 308-150-013 EMERGENCY SERVICES. (1) Emergency services shall mean the delivery of veterinary care by a licensed veterinarian during the hours when the majority of regional, daytime veterinary practices have no regularly scheduled office hours (are closed).

(2) Emergency service shall be provided at all times. This requirement does not mean that a veterinary medical facility must be open to the public at all times but that the provision of professional services must be accomplished by appropriate means ((such as)) including the assignment of ((staff)) veterinarians or cooperation between practices or ((the)) after-hours emergency veterinary medical ((facility)) facilities serving the area. In the absence of an emergency veterinary medical facility serving the area, the phone shall be answered at all times so that inquirers can be told if the veterinarian is available and, if not, where ((alternative)) emergency service is available.

(3) A veterinarian who represents, in any way, that he or she provides emergency veterinary services, including but not limited to, using names or terms such as "after hours clinic," or "after hours veterinary hospital," or use of the word "emergency" in any way, shall include in all advertisements the following information:

The availability of the veterinarian who is to provide emergency services, in print at least as large as that used to advertise the availability of emergency services, as either:

(a) "Veterinarian on premises," or term of like import, which phrase shall be used when there is a veterinarian actually present at the facility who is prepared to render veterinary services and the hours such services are available; or

(b) "Veterinarian on call," or term of like import, which phrase shall be used when the veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency veterinary services and has been designated to so respond.

(4) All licensees shall comply with this section by December 1, 1989.

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

WAC 308-151-080 EXAMINATION PROCEDURES. (1) The examination consists of three parts: The National Board Examination for Veterinary Medical Licensing (NBE), the clinical competency test (CCT), and the Washington state examination. No part of the examination may be taken prior to six months preceding graduation from a course of instruction as described in WAC 308-151-050.

(2) ~~((All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a recent photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the written test and rescheduled at a later date.~~

~~(3) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the exam will be expelled from the examination and not allowed to complete it.~~

~~(4)) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination will be considered grounds for expulsion from the examination.~~

AMENDATORY SECTION (Amending Order 340, filed 4/15/80)

WAC 308-151-090 FREQUENCY AND LOCATION OF EXAMINATIONS. (1) The examination for veterinarians shall be scheduled at such times and places as the director may authorize.

(2) ~~((A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination date. Such notification will contain appropriate instructions or information and will reflect the time, date and~~

~~location at which the applicant is expected to appear for examination.))~~ Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the division of professional licensing in writing of his or her inability to appear for the scheduled exam at least five days before the designated time.

AMENDATORY SECTION (Amending Order PM 600, filed 6/18/86)

WAC 308-153-020 GENERAL REQUIREMENTS FOR ALL VETERINARY MEDICAL FACILITIES. (1) Construction and maintenance: All facilities must be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities must comply with applicable state, county and municipal laws, ordinances and regulations.

(2) Ventilation: Adequate heating and cooling must be provided for the comfort of the animals, and the facility must have sufficient ventilation in all areas.

(3) Lighting: Proper lighting must be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting should be adequate to identify the building and to assist the clients.

(4) Water: Potable water must be provided.

(5) Basic sanitation: Any equipment, instruments or facilities used in the treatment of animals must be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) Waste disposal: Covered waste containers, impermeable by water, must be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) Records: Every veterinarian shall keep daily written reports of the animals he or she treats. Records for companion animals shall be kept for each animal, but records for economic animals may be maintained on a group or client basis. These records must be readily retrievable and must be kept for a period of three years following the last treatment or examination. They shall include, but not be limited to, the following:

(a) Name, address and telephone number of the owner.

(b) Name, number or other identification of the animal or group.

(c) Species, breed, age, sex and color of the animal.

(d) Immunization record.

(e) Beginning and ending dates of custody of the animal.

(f) A short history of the animal's condition as it pertains to its medical status.

(g) Physical examination findings and any laboratory data.

(h) Provisional or final diagnosis.

(i) Treatment and medication administered, prescribed or dispensed.

(j) Surgery and anesthesia.

(k) Progress of the case.

(8) Storage: All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) Biologicals and drugs: Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the U.S. Pharmacopeia, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the National Formulary, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation((~~st~~)).

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

AMENDATORY SECTION (Amending Order PM 600, filed 6/18/86)

WAC 308-153-030 MINIMUM PHYSICAL FACILITIES. All veterinary medical facilities in which animals are received for medical,

surgical or prophylactic treatment must have the following minimum facilities, but are not limited to only these facilities:

- (1) Reception room and office: Or a combination of the two.
- (2) Examination room: Should be separate but may be combined with a room having a related function, such as a pharmacy or laboratory. It must be of sufficient size to accommodate the veterinarian, patient and client.

Examination tables must have impervious surfaces. Waste receptacles must be lined, covered or in a closed compartment, and properly maintained. A sink with clean or disposable towels must be within easy access.

(3) Surgery: If surgery is performed, a separate and distinct area so situated ~~((as))~~ as to keep contamination and infection to a minimum; provided, however, that effective January 1, 1988, a separate and distinct room so situated as to keep contamination and infection to a minimum will be required.

(4) Laboratory: May be either in the facility or through consultative facilities, adequate to render diagnostic information.

(5) Radiology: Facilities for diagnostic radiography must be available either on or off the premises. The facilities must meet federal and ~~((Washington))~~ Washington state protective requirements and be capable of producing good quality diagnostic radiographs.

(6) Animal housing areas: Any veterinary medical facility confining animals must have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.

Cages and stalls must be of impervious material and of adequate size to assure patient comfort and sanitation.

Runs and exercise pens must be of a size to allow patient comfort and exercise. Effective January 1, 1988, runs and exercise pens must provide and allow effective separation of adjacent animals and their waste products, and must be constructed in such a manner as to protect against escape or injury. Floors of runs must be of impervious material.

Animals that are hospitalized for treatment of contagious diseases must be isolated.

AMENDATORY SECTION (Amending Order PL 445, filed 9/19/83)

WAC 308-156-060 EXAMINATION FOR REGISTRATION AS ANIMAL TECHNICIAN. (1) All applicants shall be required to complete an examination consisting of a written and practical ~~((a))~~ test.

(2) The written test will consist of questions on any of the following subjects as they pertain to the animal health care services technicians may perform:

- (a) Anatomy
- (b) Physiology
- (c) Chemistry
- (d) Obstetrics
- (e) Bacteriology
- (f) Histology
- (g) Radiology
- (h) Nursing techniques
- (i) Hygiene
- (j) Dental prophylaxis
- (k) Laboratory procedures
- (l) Other subjects prescribed by the board.

The questions will be divided equally between large and small animal health care problems and shall be sufficient in number to satisfy the board of governors that the applicant has been given adequate opportunity to express his or her knowledge relating to these subjects.

(3) The practical examination will be supervised by the board of governors or their designees. Each applicant may be required to perform or demonstrate basic animal health care techniques as directed by the board ~~((for an appropriate animal subject provided by the board))~~. During the practical examination, each applicant may be required to demonstrate his/her ability to:

- (a) Take accurate case histories;
- (b) Prepare patient instruments;
- (c) Perform dental prophylaxis;
- (d) Monitor anesthesia or oxygen equipment;
- (e) Apply wound and surgical dressings;
- (f) Administer inoculations or vaccinations;
- (g) Properly analyze laboratory specimens;
- (h) ~~((Restraining animals))~~ Restrain animals;
- (i) ~~((Other animal health care services authorized by the board))~~ Other animal health care services authorized by the board.

AMENDATORY SECTION (Amending Order PL 445, filed 9/19/83)

WAC 308-156-090 EXAMINATION PROCEDURES. (1) All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the examination will be expelled from the examination and not allowed to complete ~~((it))~~ it and will forfeit all fees relating to examination.

AMENDATORY SECTION (Amending Order PL 445, filed 9/19/83)

WAC 308-156-090 EXAMINATION PROCEDURES. ~~((+))~~ All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the examination.

~~((2))~~ Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the examination will be expelled from the examination and not allowed to complete ~~((it))~~ it and will forfeit all fees relating to examination. Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination, will be considered grounds for expulsion from the examination.

AMENDATORY SECTION (Amending Order PL 445, filed 9/19/83)

WAC 308-156-100 FREQUENCY AND LOCATION OF EXAMINATION. (1) The examination for animal technicians shall be given at least once a year at such times and places as the director may authorize.

(2) ~~((A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination date. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination.))~~ Should an applicant fail to appear for examination at the designated time and place, he ~~((t))~~ or she shall forfeit the examination fee unless he ~~((t))~~ or she has notified the division of professional licensing in writing of his ~~((t))~~ or her inability to appear for the scheduled exam at least five days before the designated time.

WSR 88-05-042

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed February 17, 1988]

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 flood plain management, chapter 173-158 WAC;

that the agency will at 2:00 p.m., Tuesday, March 22, 1988, in the Department of Ecology, Central Regional Office, 3601 West Washington, Yakima, WA, and at 10:00 a.m., Wednesday, March 23, 1988, in the Department of Ecology Northwest, 4350 150th Avenue N.E., Redmond, WA, and at 10:00 a.m., Tuesday, March 29,

1988, in the Department of Ecology Headquarters Office, Room 273, Lacey, Washington, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 3, 1988.

The authority under which these rules are proposed is chapters 43.21 and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 86.16.061.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1988.

Dated: February 16, 1988

By: Phillip C. Johnson
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Adopting new chapter 173-158 WAC, Flood plain management.

Description of Purpose: Adoption of administrative processes, definitions, and additional state requirements.

Summary of Rule: To implement the provisions of chapter 86.16 RCW as amended during the 1987 legislative session.

Reasons Supporting Proposed Action: Clarification of procedures for implementation of the new law and adoption of additional state requirements as authorized in the new law.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Louthain, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, (206) 459-6791.

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 information supplied by agency.]

Small Business Economic Impact Statement: N/A.

Chapter 173-158 WAC FLOOD PLAIN MANAGEMENT

NEW SECTION

WAC 173-158-010 AUTHORITY: This regulation is adopted pursuant to Chapter 86.16 RCW. (FLOODPLAIN MANAGEMENT).

NEW SECTION

WAC 173-158-020 PURPOSE: Chapter 86.16 RCW establishes statewide authority for floodplain management through the adoption and administration by local governments of regulatory programs which are compliant with the minimum standards of the National Flood Insurance Program. Chapter 86.16 RCW also directs the department of ecology to establish minimum state requirements for floodplain management, where necessary for public health and safety, which equal or exceed the NFIP minimum standards; establishes authority for the department to administer floodplain management programs for local jurisdictions not participating in or meeting NFIP requirements; and allows for the issuance of regulatory orders.

NEW SECTION

WAC 173-158-030 DEFINITIONS: For the purposes of this chapter the following definitions shall apply:

(1) BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred year flood."

(2) BEST AVAILABLE INFORMATION means in the absence of official Flood Insurance Rate Map data, communities can use data from other Federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

(3) COASTAL HIGH HAZARD AREA means the area subject to high velocity waters, including but not limited to storm surge or tsunamis. This area is designated on a FIRM as Zone VI-30, VE or V.

(4) CRITICAL FACILITY means a facility for which even a slight chance of flooding would be too great. Critical facilities include but are not limited to schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use, or store hazardous materials or hazardous waste.

(5) DESIGNATED FLOODWAY means the regulatory floodway which has been delineated on the Flood Insurance Rate Map (FIRM) or the Flood Boundary/Floodway Map (FBFM) of a community's Flood Insurance Study and is included in the community's flood damage prevention ordinance.

(6) FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters and/or
(2) the unusual and rapid accumulation of runoff of surface waters from any source.

(7) FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(8) FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(9) FLOOD PROTECTION ELEVATION means one foot above the base flood elevation.

(10) NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

(11) PERSON means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

(12) SPECIAL FLOOD HAZARD AREA means an area subject to a base or 100-year flood; areas of special flood hazard are shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

(13) STRUCTURE means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

(14) START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(15) SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) before the improvement or repair is started, or
(2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences,

whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(16) **VARIANCE** means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(17) **WATER DEPENDENT**: a water dependent structure for commerce or industry is one which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(18) **WETLAND**: those areas that are inundated by water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

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 173-158-040 REGULATORY AREA: The regulatory area for state and local floodplain management regulations shall be those areas subject to a base (100-year) flood [except as noted for siting of critical facilities]. Base floodplains are designated as special flood hazard areas on the most recent maps provided by the federal emergency management agency for the national flood insurance program. Best available information shall be used if these maps are not available or sufficient.

Reviser's note: The brackets and enclosed material in the text of 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 173-158-050 CRITERIA FOR LAND MANAGEMENT AND USE: The standards and definitions contained in CFR 44, Parts 59 and 60 for the National Flood Insurance Program are adopted as the minimum state standards by reference.

NEW SECTION

WAC 173-158-060 ADDITIONAL STATE STANDARDS: The following state standards also apply:

(1) **Coastal High Hazard Areas.** Communities with designated coastal high hazard areas (V-zones) shall:

a) prohibit new or substantially improved construction in designated V-zones; exceptions are for needed water dependent structures or structures that facilitate public recreational access to the shore. Structures which require siting in the V-zone should, to the extent possible, be required to be sited landward of the primary dune if an active dune system is associated with the V-zone.

b) prohibit any alteration of dunes in a designated V-zone which could increase potential flood damage; this restriction includes prohibiting any modification or alteration or disturbance of vegetative cover associated with dunes located in designated V-zones.

(2) **Critical Facilities.** Critical facilities should be afforded additional flood protection due to their nature. Communities therefore shall use the 500-year frequency flood as a minimum standard instead of the 100-year frequency flood as used for other types of development.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 500-year floodplain as identified on the community's FIRM. Construction of new critical facilities shall be permissible within the 500-year frequency floodplain if no feasible alternative site is available. Critical facilities constructed within the 500-year frequency floodplain shall have the lowest floor elevated to or above the level of the 500-year frequency flood or the flood protection elevation, whichever is greater. Floodproofing and sealing measures

must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Access routes elevated to or above the level of the 500-year frequency flood shall be provided to all critical facilities to the extent possible.

(3) **Flood Protection Elevation.** In order to account for the impacts of future development on flood depths, and in order to ensure the least expensive insurance rates for floodplain occupants, all development within special flood hazard areas which requires elevation or floodproofing shall be elevated or floodproofed to the flood protection elevation (base flood elevation plus one foot).

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 173-158-070 FLOODWAY REQUIREMENTS (1) Special Flood Hazard Areas with Designated Floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (A) before the repair, reconstruction, or improvement is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination.

(2) **Special Flood Hazard Areas without Designated Floodways.** When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4) and (C) (10) of the NFIP regulations.

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 173-158-080 WETLANDS MANAGEMENT: Wetlands are areas of great natural productivity and hydrological utility, providing natural flood control, flood desynchronization, and flow stabilization of rivers and streams. The unrestricted use and development of wetlands will destroy many of these beneficial qualities which directly affect human health and safety during flood events. The piecemeal alteration and destruction of wetlands through draining, dredging, filling and other means has an adverse cumulative impact on their ability to reduce flood damages.

Communities should, to the maximum extent possible, seek to avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to ameliorate flooding impacts. Proposals for development within special flood hazard areas (base floodplains) should be reviewed for their possible impacts on wetlands located within the floodplain. Communities should ensure that development activities in or around wetlands do not negatively affect public safety, health and welfare by disrupting the wetlands' ability to reduce flood and storm hazards.

Communities may request technical assistance from the department of ecology in identifying wetland areas located within or associated with base floodplains. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. Local wetlands management strategies can also be developed which will preserve these valuable areas.

NEW SECTION

WAC 173-158-090 PENALTIES AND ENFORCEMENT (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with these rules.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

NEW SECTION

WAC 173-158-100 LOCAL COMPLIANCE TIMELINE: Communities will have six months from the effective date of these rules to adopt or amend their local flood damage reduction ordinances to incorporate the provisions of Chapter 86.16 RCW and this chapter. Such ordinances or amendments shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment, in writing, within that time period.

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 173-158-110 STATE ASSUMPTION OF REGULATORY AUTHORITY: The department of ecology shall determine whether local governments are in compliance with the requirements of Chapter 86.16 RCW and this chapter. If the department determines that a community has failed to comply with these requirements, the department shall then assume regulatory authority for floodplain management activities within the community.

Assumption of regulatory authority shall be based on the following process:

- 1) verbal notification of lack of compliance;
- 2) written notification of lack of compliance;
- 3) offer of assistance to meet with local community to regain compliance;
- 4) issuance of orders in accordance with Section 8 of this chapter;
- 5) issuance of penalties in accordance with Section 9 of this chapter.

NEW SECTION

WAC 173-158-120 VARIANCES: The variance procedure contained in CFR 44, Part 60.6 and the local flood damage prevention ordinance shall apply to the additional state requirements contained in Sections 6 and 7 above, unless an activity or use is expressly prohibited therein.

WSR 88-05-043

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-2, Resolution No. 88-2—Filed February 17, 1988—Eff. March 21, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson Federal Building, Seattle, Washington, that it does adopt the annexed rules relating to tariff and pilotage

rates for the Grays Harbor pilotage district, WAC 296-116-185.

This action is taken pursuant to Notice No. WSR 87-22-079 filed with the code reviser on November 4, 1987. These rules shall take effect at a later date, such date being March 21, 1988.

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 25, 1988.

By Marjorie T. Smitch
Assistant Attorney General

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))~~ March 21, 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))~~ \$38.56 per meter (or ~~((\$12.10))~~ \$11.75 per foot) and the tonnage charge shall be ~~((\$1266))~~ \$0.1230 per net registered ton. The minimum net registered tonnage charge is ~~((\$443.00))~~ \$430.00. The charge for an extra vessel (in case of tow) is ~~((\$253.00))~~ \$246.00.

Boarding fee:

Per each boarding/deboarding from a boat.....	((<u>\$190.00</u>))
	<u>\$185.00</u>
<u>Boat fee surcharge per each boarding/deboarding from a boat.....</u>	<u>\$25.00</u>

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	((<u>\$317.00</u>))
	<u>\$308.00</u>
Delays per hour	((<u>\$76.00</u>))
	<u>\$74.00</u>
Cancellation charge (pilot only)	((<u>\$127.00</u>))
	<u>\$123.00</u>
Cancellation charge (pilot boat only)	((<u>\$380.00</u>))

CLASSIFICATION OF PILOTAGE SERVICE RATE

Dated: February 16, 1988
 By: Paul Curl
 Acting Secretary

\$369.00

Travel allowance:

Boarding or debarking a vessel off
 Grays Harbor entrance (~~(\$ 59.00)~~)
\$57.00

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)~~) \$430.00 for each day
 or fraction thereof, and the travel ex-
 pense incurred (~~(\$443.00)~~)
\$430.00

Bridge transit:

Charge for each bridge transited (~~(\$139.00)~~)
\$135.00

Miscellaneous:

The balance of amounts due for pilot-
 age 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 ar-
 rival, sailing, or change of ETA or
 ETD.

WSR 88-05-044
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed February 17, 1988]

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 tariffs, WAC 480-149-120. The proposed amendatory section is shown below as Appendix A, Cause No. TG-2146. 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, March 23, 1988, 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.

The specific statute these rules are intended to implement is chapter 81.77 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1988.

STATEMENT OF PURPOSE

In the matter of amending WAC 480-149-120 relating to tariffs.

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 chapter 81.77 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to assure notice to customers of tariff filings by garbage and refuse collection companies which propose to increase consumer rates.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, 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 the regulatory authority of the commission over garbage and refuse collection companies as governed by chapter 81-.77 RCW.

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-283, Cause No. T-2118, filed 12/23/87)

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, 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 88-05-045
EMERGENCY RULES
STATE BOARD OF EDUCATION
[Order 1-88—Filed February 17, 1988]

Be it resolved by the State Board of Education, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to professional preparation certification requirements, chapter 180-79 WAC.

We, the State Board of Education, 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 amendments were developed to establish beginning dates in order to assure a smooth transition as these new rules go into effect.

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

This rule is promulgated pursuant to RCW 28A.70-.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 29, 1988.
By Monica Schmidt
Secretary

AMENDATORY SECTION (Amending Order 8-87, filed 6/1/87)

WAC 180-79-007 EFFECTIVE DATES OF SPECIFIED SECTIONS. (1) The effective date of the 1987 amendments to the following sections shall be August 31, 1987:

- (a) WAC 180-79-010;
- (b) WAC 180-79-060;
- (c) WAC 180-79-065;
- (d) WAC 180-79-075; and
- (e) WAC 180-79-115.

(2) New sections WAC 180-79-300 through 180-79-398 shall be effective August 31, 1987.

(3) The effective date of the 1988 amendments to the following sections shall be August 31, 1988:

- (a) WAC 180-79-060;
- (b) WAC 180-79-062; and
- (c) WAC 180-79-125.

NEW SECTION

WAC 180-79-116 TRANSITION TO NEW EXPERIENCE REQUIREMENT. Any person who holds an initial certificate as of February 1, 1988, and who is unable to qualify pursuant to WAC 180-79-117, 180-79-122, and 180-79-127 regarding the new experience requirement for continuing certification, may elect until August 31, 1990, to qualify pursuant to the experience requirement for continuing certification in effect on February 1, 1988.

NEW SECTION

WAC 180-79-129 IMPLEMENTATION OF GENERAL KNOWLEDGE REQUIREMENT FOR CERTIFICATION. The general knowledge provisions of WAC 180-79-131, 180-79-136, and 180-79-140 shall not be applied to individual candidates for certification except as part of any exit or admission to practice examination required by rules of the state board of education.

WSR 88-05-046
EMERGENCY RULES
STATE BOARD OF EDUCATION
[Order 2-88—Filed February 17, 1988]

Be it resolved by the State Board of Education, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to Grant project—Student teaching pilot projects, chapter 180-115 WAC.

We, the State Board of Education, 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 RCW 28A.70.400 authorizes grants for student teaching pilot projects. The moneys cannot be granted until implementing rules have been promulgated. It is imperative to qualifying institutions of higher learning that the moneys be available for planning, development and implementation in the current academic year.

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

This rule is promulgated pursuant to RCW 28A.70.400 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 29, 1987 [1988].

By Monica Schmidt
Secretary

Grant Project—Student Teaching Pilot Projects

Chapter 180-115 WAC

NEW SECTION

WAC 180-115-005 AUTHORITY. *The authority for this chapter is RCW 28A.70.400, which authorizes the state board of education to develop rules to establish student teaching pilot projects.*

NEW SECTION

WAC 180-115-010 PURPOSE. *The purpose of this chapter is to establish policies, procedures, and directions for a two year pilot program that enhances the student teaching component of teacher preparation programs by supporting innovative ways to expand student teaching experiences and opportunities for student placement in school districts throughout the state.*

NEW SECTION

WAC 180-115-015 STUDENT TEACHING—DEFINITION. *As used in this chapter, the term "student teaching" means field experiences, opportunities for observation, tutoring, microteaching, and extended practicums, clinical and laboratory experiences, and internship experiences in educational settings.*

NEW SECTION

WAC 180-115-020 GRANT PROJECT PARTICIPANTS—DEFINITION. *As used in this chapter "grant project participants" means those school building*

and school district personnel, teacher preparatory program personnel, program unit members, and other appropriate personnel who have cooperated in the joint development of the pilot project grant application.

NEW SECTION

WAC 180-115-025 COOPERATING TEACHER—DEFINITION. *As used in this chapter "cooperating teacher" means the individual who supervises and instructs the student teacher within the pilot program placement.*

NEW SECTION

WAC 180-115-030 GRANTEE AGENCY—DEFINITION. *As used in this chapter the term "grantee agency" means public colleges/universities, local school districts, educational service districts, or public community colleges.*

NEW SECTION

WAC 180-115-035 RESPONSIBILITIES OF THE GRANTEE AGENCY. *The responsibilities of the grantee agency are to:*

(1) *Submit a grant proposal which meets specifications set forth in Chapter 180-115 WAC.*

(2) *Administer the project in accordance with Chapter 180-115 WAC, ensuring that all conditions set forth in Chapter 180-115 WAC are met.*

(3) *File a final written assessment of the program's effectiveness with the superintendent of public instruction no later than July 31, 1989.*

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.

NEW SECTION

WAC 180-115-040 PILOT PROGRAM GRANTS. *Upon approval by the state board of education the superintendent of public instruction is authorized to award grant funding. The actual amount received by individual grantees will be subject to negotiation by the superintendent of public instruction and shall be based upon the scope and justification for budget amounts included in applications.*

NEW SECTION

WAC 180-115-045 PROGRAM DEVELOPMENT, IMPLEMENTATION AND ADMINISTRATION. *Each grant submitted to the superintendent of public instruction under this program shall be jointly developed through a documented process that demonstrates joint development of the pilot program by school building and school district personnel, teacher preparation program personnel, program unit members, and other personnel as appropriate. Primary administration for each grant project shall be the responsibility of one or more of the cooperating grant project participants as determined by the grant project participants. One or more college(s)/university(ies) with teacher education*

programs approved by the state board of education must be a participant in the submitted pilot project.

NEW SECTION

WAC 180-115-050 GRANT APPLICATION COMPONENTS. Each grant application shall include provisions for providing appropriate and necessary training in observation and supervision and assistance skills and techniques for each participating school district cooperating teacher, and other building or district personnel who may be participants in a team concept to support the student teacher, and for each individual who is affiliated with a teacher preparation program or programs as a field-based supervisor of student teachers. Grant requestors are encouraged but not required to consider such models or model components as the following:

(1) Contracting or otherwise cooperating with an educational service district to base a supervisor or supervisors in the educational service district to supervise student teachers placed into school districts located within the educational service district.

(2) Contracting or otherwise cooperating with a community college district to base a supervisor or supervisors in the community college district to supervise student teachers placed into school districts located within the boundaries of the community college district.

(3) Training cooperating teachers to serve also as the supervisor for participating institutions.

(4) Contractual and other cooperative arrangements between teacher preparation programs to allow one institution to serve a geographic area of the state not normally served by that institution.

(5) Contractual or other cooperative arrangements between two or more teacher preparation programs to jointly serve a geographic area of the state not normally served by the institution.

NEW SECTION

WAC 180-115-055 FUNDING PRIORITIES. In recommending grant applications to the state board of education for funding, the superintendent of public instruction shall be governed by the following priorities:

(1) If no more than one grant project is approved, such project shall be of a nature as suggested in WAC 180-050(1).

(2) Approving grant projects as suggested in WAC 180-115-050 (2) and (5).

(3) Applications designed to involve unserved or underserved school districts and the state board of education will assure, to the extent possible, that the grant projects approved for funding reflect a geographic sampling of the state.

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 180-115-060 ADVISORY COMMITTEE. The professional education advisory committee established under WAC 180-78-015 shall select five members of its committee to review and rank order grant proposals submitted under this chapter. Additionally, the committee will advise as to modification or elimination of components contained within specific grant requests and forward recommendations to the superintendent of public instruction for determination of final grant allocations. The committee recommendation will then be submitted to the state board of education.

NEW SECTION

WAC 180-115-065 ADVISORY COMMITTEE SELECTION CRITERIA. In addition to those criteria set forth in WAC 180-115-055 the advisory committee will at a minimum use the following criteria for recommendation of programs:

- (1) Potential for success.
- (2) Uniqueness of project.
- (3) Cost effectiveness.
- (4) Cooperative nature of project.

NEW SECTION

WAC 180-115-070 ADVISORY COMMITTEE DEADLINE. The advisory committees recommendations must be received by the superintendent of public instruction prior to March 16, 1988.

NEW SECTION

WAC 180-115-075 APPLICATIONS PROCEDURES. In order to apply for funds under this program the participating grantee agency must submit a completed proposal for the program for which it seeks support. Each application must be submitted through an official of the applying agency authorized to approve such applications for the agency.

NEW SECTION

WAC 180-115-080 FORM AND CONTENT OF PROPOSALS. The following items must be included in the proposals:

- (1) Title page signed by authorized official of agency.
- (2) Statement of Assurances.
- (3) Proposal narrative of no more than 10 single-spaced pages.
- (4) Budget summary and justification.
- (5) Description on the institution's plan to evaluate the project during its implementation and at its conclusion.
- (6) Appendices (agreements between agencies, curriculum vita of program personnel, and any other relevant material offered in support of the proposal).

NEW SECTION

WAC 180-115-085 ASSURANCE OF ASSESSMENT. Each prospective grantee agency must provide

an assurance that a final written assessment of the program's effectiveness will be submitted to the superintendent of public instruction no later than July 31, 1989.

NEW SECTION

WAC 180-115-090 DATE FOR RECEIPT OF PROPOSALS BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. In order to be considered for funding, proposals must be received by superintendent of public instruction by 5:00 p.m., Tuesday, March 1, 1988.

NEW SECTION

WAC 180-115-095 INDIRECT COSTS. Indirect costs from the grant funds may represent no more than eight percent of the grant request for direct costs.

NEW SECTION

WAC 180-115-100 GENERAL PROVISION—CARRYOVER PROVISION: Unexpended student teaching pilot project funds for the first year of a biennium may be expended in the second year of the same biennium. Any student teaching pilot project funds allocated during a biennium and unexpended by the end of the biennium (i.e., June 30) shall revert to the state treasurer.

NEW SECTION

WAC 180-115-105 TIMELINE FOR PROJECTS. The state funds for this project must be expended by June 30, 1989.

WSR 88-05-047

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 3-88—Filed February 17, 1988]

Be it resolved by the State Board of Education, acting at the Spokane Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to professional preparation certification requirements, chapter 180-79 WAC.

This action is taken pursuant to Notice No. WSR 87-22-108 filed with the code reviser on November 4, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.70-.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 11, 1987.

By Monica Schmidt
Secretary

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; pre-schools; 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 teaching 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))~~ the initial administrator and educational staff associate certificates are valid for seven years. Initial teaching certificates shall be subject to renewal and reinstatement pursuant to WAC 180-79-065. Initial administrator and educational staff associate certificates shall not be subject to renewal but may be reinstated pursuant to WAC 180-79-065(4): PROVIDED, That initial teaching certificates issued or applied for, if the candidate is otherwise eligible, 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.

(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~~) 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—e.g., 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 principal's 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—e.g., 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.~~

~~((ii))~~ 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.

~~((iii))~~ 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))~~ course work ~~((or continuing education))~~ beyond the baccalaureate degree in occupational therapy, other health sciences, 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))~~ course work ~~((or continuing education))~~ beyond the baccalaureate degree in physical therapy, other health sciences, or education.

(5) School psychologist.

(a) Initial.

~~((f))~~ 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.

~~((ii) 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.

~~((i) 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.~~

~~((ii))~~ 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.

~~((iii) 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)).~~

~~((iii) 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.

~~((f))~~ The candidate shall have completed all requirements for a master's degree in social work except special ~~((examinations;))~~ projects or thesis.

~~((ii) 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—e.g., 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) Behaviorism.

(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 of 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. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates ~~((are))~~ shall be issued under specific circumstances set forth below 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))~~ 180-75-085 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 88-05-048

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 4-88—Filed February 17, 1988]

Be it resolved by the State Board of Education, acting at the Spokane Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to teacher education and certification, chapter 180-80 WAC.

This action is taken pursuant to Notice No. WSR 87-22-109 filed with the code reviser on November 4, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.70.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 11, 1987.

By Monica Schmidt
Secretary

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.

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.70-.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 11, 1987.

By Monica Schmidt
Secretary

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 88-05-049

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 5-88—Filed February 17, 1988]

Be it resolved by the State Board of Education, acting at the Spokane Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to specialized personnel standards, chapter 180-84 WAC.

This action is taken pursuant to Notice No. WSR 87-22-110 filed with the code reviser on November 4, 1987. These rules shall take effect thirty days after they are

WSR 88-05-050

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed February 17, 1988]

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 state support of public schools, chapter 180-16 WAC;

that the agency will at 9:00 a.m., Thursday, March 24, 1988, in the Everett Holiday Inn, Room C, Everett, 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, March 25, 1988.

The authority under which these rules are proposed is RCW 28A.58.754(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, March 24, 1988.

Dated: February 17, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-16 WAC, State support of public schools.

Rule Section(s): WAC 180-16-223 Temporary out-of-endorsement assignment criteria.

Statutory Authority: RCW 28A.58.754(6).

Purpose of the Rule(s): Establishes standards and procedural criteria for school districts and teachers to meet with regards to out-of-endorsement assignments. The rule also provides opportunities for waivers from the out-of-endorsement criteria based on State Board of Education approval.

Summary of the New Rule(s) and/or Amendments: The amendment to WAC 180-16-223 (5)(b) changes the procedure of school districts presenting their out-of-endorsement waiver resolutions individually to the state board and specifies that the presentation shall be made by the Superintendent of Public Instruction.

Reasons Which Support the Proposed Action(s): The procedure for having each school district present its out-of-endorsement waiver resolution at State Board of Education meetings is viewed as being too burdensome and time-consuming. By having staff of the Superintendent of Public Instruction make the presentations, the time will be used more effectively.

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, 753-3222; and Enforcement: Dr. John Swiger, Basic Education Approval, 753-6710.

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 5-86, filed 6/10/86)

WAC 180-16-223 TEMPORARY OUT-OF-ENDORSEMENT ASSIGNMENT CRITERIA. In order for a temporary out-of-endorsement assignment for a classroom teacher to comply with the basic education approval standards, the board of directors of the district must comply with the following:

(1) The board of directors of the district must make one or more of the following factual determinations:

(a) The district was unable to recruit a teacher with the proper endorsement.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

(2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.67.065 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The board of directors of the district shall comply with the following conditions:

(a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

(b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day unless the school building in which such teacher is assigned has a preexisting policy of assigning classroom teachers to "block programs," which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students. However, in order to be eligible for assignment to block programs, the teacher so assigned must be endorsed in one of the subject areas within the block program and must meet the criterion in subsection (2)(b) of this section in each of the additional subject areas within the block program.

(c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.67.065 or nonrenewal of such teacher pursuant to RCW 28A.67.070.

(d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to WAC 180-16-223 (3)(a). Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5) PROVIDED, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the

provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The ~~((district presents))~~ superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

WSR 88-05-051
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed February 17, 1988]

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, March 24, 1988, in the Everett Holiday Inn, Room C, Everett, 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, March 25, 1988.

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, March 24, 1988.

Dated: February 17, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-79 WAC.

Rule Section(s): WAC 180-79-007, 180-79-116 and 180-79-129.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): To set effective dates of WAC provisions; to provide a smooth transition to the new experience requirements; and to implement the general knowledge requirements for certification.

Summary of the New Rule(s) and/or Amendments: Establish the conditions and procedures governing issuance of teaching certificates.

Reasons Which Support the Proposed Action(s): The State Board of Education has adopted a comprehensive revision of chapter 180-79 WAC. These rules complement those rules by providing for transition between old and new standards.

Section Analysis: WAC 180-79-007 outlines effective dates of specified sections; 180-79-116 provides transition period guidelines for new experience requirement; and 180-79-129 clarifies the implementation of general knowledge requirement 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.

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 8-87, filed 6/1/87)

WAC 180-79-007 EFFECTIVE DATES OF SPECIFIED SECTIONS. (1) The effective date of the 1987 amendments to the following sections shall be August 31, 1987:

- (a) WAC 180-79-010;
- (b) WAC 180-79-060;
- (c) WAC 180-79-065;
- (d) WAC 180-79-075; and
- (e) WAC 180-79-115.

(2) New sections WAC 180-79-300 through 180-79-398 shall be effective August 31, 1987.

(3) The effective date of the 1988 amendments to the following sections shall be August 31, 1988:

- (a) WAC 180-79-060;
- (b) WAC 180-79-062; and
- (c) WAC 180-79-125.

NEW SECTION

WAC 180-79-116 TRANSITION TO NEW EXPERIENCE REQUIREMENT. Any person who holds an initial certificate as of February 1, 1988, and who is unable to qualify pursuant to WAC 180-79-117, 180-79-122, and 180-79-127 regarding the new experience requirement for continuing certification, may elect until August 31, 1990, to qualify pursuant to the experience requirement for continuing certification in effect on February 1, 1988.

NEW SECTION

WAC 180-79-129 IMPLEMENTATION OF GENERAL KNOWLEDGE REQUIREMENT FOR CERTIFICATION. The general knowledge provisions of WAC 180-79-131, 180-79-136, and 180-79-140 shall not be applied to individual candidates for certification except as part of any exit or admission to practice examination required by rules of the state board of education.

WSR 88-05-052
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed February 17, 1988]

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 Grant project—Student teaching pilot projects, chapter 180-115 WAC;

that the agency will at 9:00 a.m., Thursday, March 24, 1988, in the Everett Holiday Inn, Room C, Everett, 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, March 25, 1988.

The authority under which these rules are proposed is RCW 28A.70.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, March 24, 1988.

Dated: February 17, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-115 WAC.

Rule Section(s): WAC 180-115-005, 180-115-010, 180-115-015, 180-115-020, 180-115-025, 180-115-030, 180-115-035, 180-115-040, 180-115-045, 180-115-050, 180-115-055, 180-115-060, 180-115-065, 180-115-070, 180-115-075, 180-115-080, 180-115-085, 180-115-090, 180-115-095, 180-115-100 and 180-115-105.

Statutory Authority: RCW 28A.70.400.

Purpose of the Rule(s): To establish policies, procedures and directions for student teaching pilot projects.

Summary of the New Rule(s) and/or Amendments: Establish a grant program to support innovative ways to expand teaching experiences and opportunities for student placement in school districts throughout the state as recommended by advisory committee.

Reasons Which Support the Proposed Action(s): In response to RCW 28A.70.400.

Section Analysis: Chapter 180-115 WAC, Grant project—Student teaching pilot; WAC 180-115-005 states authority for the rules; 180-115-010 states the purpose of the rules; 180-115-015 defines "student teaching"; 180-115-020 defines "grant project participants"; 180-115-025 defines "cooperating teacher"; 180-115-030 defines "grantee agency"; 180-115-035 prescribes responsibilities of grantee agency; 180-115-040 authorizes Superintendent of Public Instruction to negotiate actual amount of funding to be received by individual grantee; 180-115-045 requires joint development and additional responsibilities of cooperating grant project participants; 180-115-050 outlines grant application components; 180-115-055 sets out funding priorities; 180-115-060 defines advisory committee; 180-115-065 defines advisory committee selection criteria; 180-115-070 sets advisory committee deadline; 180-115-075 clarifies application procedures; 180-115-080 outlines formal content of proposals; 180-115-085 requires assurance of assessment; 180-115-090 sets date for receipt of proposals; 180-115-095 prohibits indirect costs higher than 80% of grant request; 180-115-100 clarifies carryover provisions; and 180-115-105 establishes timeline.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Richard Wilson, SPI, 3-2298; Implementation and Enforcement: Dr. Charles Marshall, SPI, 3-1880.

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.]

Grant Project—Student Teaching Pilot Projects

Chapter 180-115 WAC

NEW SECTION

WAC 180-115-005 **AUTHORITY.** The authority for this chapter is RCW 28A.70.400, which authorizes the state board of education to develop rules to establish student teaching pilot projects.

NEW SECTION

WAC 180-115-010 **PURPOSE.** The purpose of this chapter is to establish policies, procedures, and directions for a two year pilot program that enhances the student teaching component of teacher preparation programs by supporting innovative ways to expand student teaching experiences and opportunities for student placement in school districts throughout the state.

NEW SECTION

WAC 180-115-015 **STUDENT TEACHING—DEFINITION.** As used in this chapter, the term "student teaching" means field experiences, opportunities for observation, tutoring, microteaching, and extended practicums, clinical and laboratory experiences, and internship experiences in educational settings.

NEW SECTION

WAC 180-115-020 **GRANT PROJECT PARTICIPANTS—DEFINITION.** As used in this chapter "grant project participants" means those school building and school district personnel, teacher preparatory program personnel, program unit members, and other appropriate personnel who have cooperated in the joint development of the pilot project grant application.

NEW SECTION

WAC 180-115-025 **COOPERATING TEACHER—DEFINITION.** As used in this chapter "cooperating teacher" means the individual who supervises and instructs the student teacher within the pilot program placement.

NEW SECTION

WAC 180-115-030 **GRANTEE AGENCY—DEFINITION.** As used in this chapter the term "grantee agency" means public colleges/universities, local school districts, educational service districts, or public community colleges.

NEW SECTION

WAC 180-115-035 **RESPONSIBILITIES OF THE GRANTEE AGENCY.** The responsibilities of the grantee agency are to:

- (1) Submit a grant proposal which meets specifications set forth in Chapter 180-115 WAC.
- (2) Administer the project in accordance with Chapter 180-115 WAC, ensuring that all conditions set forth in Chapter 180-115 WAC are met.
- (3) File a final written assessment of the program's effectiveness with the superintendent of public instruction no later than July 31, 1989.

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.

NEW SECTION

WAC 180-115-040 **PILOT PROGRAM GRANTS.** Upon approval by the state board of education the superintendent of public instruction is authorized to award grant funding. The actual amount received by individual grantees will be subject to negotiation by the superintendent of public instruction and shall be based upon the scope and justification for budget amounts included in applications.

NEW SECTION

WAC 180-115-045 **PROGRAM DEVELOPMENT, IMPLEMENTATION AND ADMINISTRATION.** Each grant submitted to the superintendent of public instruction under this program shall be

jointly developed through a documented process that demonstrates joint development of the pilot program by school building and school district personnel, teacher preparation program personnel, program unit members, and other personnel as appropriate. Primary administration for each grant project shall be the responsibility of one or more of the cooperating grant project participants as determined by the grant project participants. One or more college(s)/university(ies) with teacher education programs approved by the state board of education must be a participant in the submitted pilot project.

NEW SECTION

WAC 180-115-050 GRANT APPLICATION COMPONENTS. Each grant application shall include provisions for providing appropriate and necessary training in observation and supervision and assistance skills and techniques for each participating school district cooperating teacher, and other building or district personnel who may be participants in a team concept to support the student teacher, and for each individual who is affiliated with a teacher preparation program or programs as a field-based supervisor of student teachers. Grant requestors are encouraged but not required to consider such models or model components as the following:

(1) Contracting or otherwise cooperating with an educational service district to base a supervisor or supervisors in the educational service district to supervise student teachers placed into school districts located within the educational service district.

(2) Contracting or otherwise cooperating with a community college district to base a supervisor or supervisors in the community college district to supervise student teachers placed into school districts located within the boundaries of the community college district.

(3) Training cooperating teachers to serve also as the supervisor for participating institutions.

(4) Contractual and other cooperative arrangements between teacher preparation programs to allow one institution to serve a geographic area of the state not normally served by that institution.

(5) Contractual or other cooperative arrangements between two or more teacher preparation programs to jointly serve a geographic area of the state not normally served by the institution.

NEW SECTION

WAC 180-115-055 FUNDING PRIORITIES. In recommending grant applications to the state board of education for funding, the superintendent of public instruction shall be governed by the following priorities:

(1) If no more than one grant project is approved, such project shall be of a nature as suggested in WAC 180-050(1).

(2) Approving grant projects as suggested in WAC 180-115-050 (2) and (5).

(3) Applications designed to involve unserved or underserved school districts and the state board of education will assure, to the extent possible, that the grant projects approved for funding reflect a geographic sampling of the state.

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 180-115-060 ADVISORY COMMITTEE. The professional education advisory committee established under WAC 180-78-015 shall select five members of its committee to review and rank order grant proposals submitted under this chapter. Additionally, the committee will advise as to modification or elimination of components contained within specific grant requests and forward recommendations to the superintendent of public instruction for determination of final grant allocations. The committee recommendation will then be submitted to the state board of education.

NEW SECTION

WAC 180-115-065 ADVISORY COMMITTEE SELECTION CRITERIA. In addition to those criteria set forth in WAC 180-115-

055 the advisory committee will at a minimum use the following criteria for recommendation of programs:

- (1) Potential for success.
- (2) Uniqueness of project.
- (3) Cost effectiveness.
- (4) Cooperative nature of project.

NEW SECTION

WAC 180-115-070 ADVISORY COMMITTEE DEADLINE. The advisory committees recommendations must be received by the superintendent of public instruction prior to March 16, 1988.

NEW SECTION

WAC 180-115-075 APPLICATIONS PROCEDURES. In order to apply for funds under this program the participating grantee agency must submit a completed proposal for the program for which it seeks support. Each application must be submitted through an official of the applying agency authorized to approve such applications for the agency.

NEW SECTION

WAC 180-115-080 FORM AND CONTENT OF PROPOSALS. The following items must be included in the proposals:

- (1) Title page signed by authorized official of agency.
- (2) Statement of Assurances.
- (3) Proposal narrative of no more than 10 single-spaced pages.
- (4) Budget summary and justification.
- (5) Description on the institution's plan to evaluate the project during its implementation and at its conclusion.
- (6) Appendices (agreements between agencies, curriculum vita of program personnel, and any other relevant material offered in support of the proposal).

NEW SECTION

WAC 180-115-085 ASSURANCE OF ASSESSMENT. Each prospective grantee agency must provide an assurance that a final written assessment of the program's effectiveness will be submitted to the superintendent of public instruction no later than July 31, 1989.

NEW SECTION

WAC 180-115-090 DATE FOR RECEIPT OF PROPOSALS BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. In order to be considered for funding, proposals must be received by superintendent of public instruction by 5:00 p.m., Tuesday, March 1, 1988.

NEW SECTION

WAC 180-115-095 INDIRECT COSTS. Indirect costs from the grant funds may represent no more than eight percent of the grant request for direct costs.

NEW SECTION

WAC 180-115-100 GENERAL PROVISION—CARRYOVER PROVISION: Unexpended student teaching pilot project funds for the first year of a biennium may be expended in the second year of the same biennium. Any student teaching pilot project funds allocated during a biennium and unexpended by the end of the biennium (i.e., June 30) shall revert to the state treasurer.

NEW SECTION

WAC 180-115-105 TIMELINE FOR PROJECTS. The state funds for this project must be expended by June 30, 1989.

WSR 88-05-053**NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE**

[Memorandum—February 12, 1988]

Following are changes to the meeting schedule of The Evergreen State College board of trustees meeting dates submitted on December 11, 1987:

March – change from March 9 to Wednesday, March 2, 1988, at 1:30 p.m.

May – change from May 11 to Wednesday, May 18, 1988, at 1:30 p.m.

The location remains The Evergreen State College Board of Trustees' Room (Library 3112).

WSR 88-05-054**PROPOSED RULES
SECRETARY OF STATE**

[Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Secretary of State intends to adopt, amend, or repeal rules concerning charitable solicitations, new chapter 434-19 WAC;

that the agency will at 1:30 p.m., Tuesday, March 29, 1988, in the Office of the Secretary of State, Legislative Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 11, 1988.

The authority under which these rules are proposed is RCW 19.09.190 and 19.09.315.

The specific statute these rules are intended to implement is the Charitable Solicitations Act, chapter 19.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1988.

Dated: February 17, 1988

By: Ralph Munro
Secretary of State**STATEMENT OF PURPOSE**

Title: Chapter 434-19 WAC, Charitable solicitations.

Description of Purpose: To implement the charitable solicitations, as amended by the 49th legislature.

Statutory Authority: RCW 19.09.190 and 19.09.315.

Summary of Rule: Establish procedures and conditions applicable to the registration of charitable organizations, nonprofit fundraisers and independent fundraisers; disclosures required at the time a solicitation is made; and surety bonds required of independent fundraisers.

Reason Supporting Proposed Action: Necessary for the efficient and consistent administration of the Charitable Solicitations Act.

Agency Personnel Responsible for Drafting: John Dziedzic, Special Assistant; Implementation: Rebecca

Prall, Administrative Assistant; and Enforcement: Attorney general and prosecuting attorneys (RCW 19.09-.210 and [19.09].275).

Person or Organization Proposing Rule: Office of the Secretary of State.

Agency Comments: None.

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

Title 434 WAC
SECRETARY OF STATE

Chapter 434-19
Charitable Solicitations

WAC**Section I: General Provisions and Definitions**

434-19-010	Authority and Purpose
434-19-012	Official Address
434-19-013	Toll-Free Telephone Number
434-19-014	Office Hours
434-19-015	Public Records
434-19-016	Public Records Copying Charge – Exemptions
434-19-017	Registration Application – Grounds for Denial
434-19-018	Registration Applications – Computation of Time
434-19-020	Definitions

Section II: Charitable Organization Registration

434-19-050	Financial Information Consistent with Federal Income Tax Form 990
434-19-051	Federal Income Tax Form 990 Not Acceptable
434-19-052	Other Financial Standards
434-19-053	Treatment of Appropriated Funds
434-19-054	Financial Reporting Adjustments
434-19-055	Change in Exemption Status
434-19-056	Combined Program and Paid Fundraising Efforts
434-19-059	Voluntary Verification Information
434-19-060	Out of State Organizations
434-19-065	Statement of Intent to Reserve Funds for Political Contribution

Section III: Charitable Organization and Non-Profit Fundraiser Registration

434-19-075	Newly Formed Organization
434-19-077	Combined Fee
434-19-078	Registration Fee

Section IV: Independent fundraiser Registration

434-19-080	Identification of Other Independent Fundraisers Retained
434-19-081	Single Business Name Required
434-19-082	Physical Address Required
434-19-083	Registration Fee
434-19-084	Calculation of Disclosure Percentage Waived
434-19-086	Newly Formed Organization
434-19-087	Change in Business Structure
434-19-088	Evidence of Continuation of Bonding Required
434-19-090	Contract Registration Form – Timing

Section V: Conditions Applicable to Solicitations

434-19-100	Exempt Organization Exempted
434-19-101	Multiple Contacts Deemed Single Solicitation
434-19-102	Name of Solicitor
434-19-105	Statement of Intent to Reserve Funds for Political Contribution
434-19-110	Written Disclosure – Standard
434-19-113	New Organization
434-19-114	Solicitation Conducted
434-19-115	Responsibility for Content of Solicitation
434-19-116	Oral Disclosure of Percentage Required
434-19-118	Solicitation Conducted Via Electronic Media

Section VI: Conditions Applicable to Surety Bond

434-19-190	Bond Extended to Other Independent Fundraiser
434-19-191	Waiver of Bond Requirement
434-19-192	Reduction in Bond Requirement
434-19-193	Reinstatement of Bond Amount
434-19-194	Impairment of Bond

434-19-195 Terms Defined

Section VII: Miscellaneous Provisions

434-19-230 Reference to Un-named Beneficiaries

Section I: General Provisions and Definitions

NEW SECTION

WAC 434-19-010 **AUTHORITY AND PURPOSE.** These rules are adopted under authority of RCW 19.09.190 and RCW 19.09.315 to provide for the efficient administration of the Charitable Solicitations Act, RCW 19.09, hereafter referred to as "the Act." These regulations shall be considered a supplement to and not a replacement for the Act.

NEW SECTION

WAC 434-19-012 **OFFICIAL ADDRESS.** The address to be used for delivery and receipt of all mail, information, registration applications, amendments, fees and other material required by the act is:

Office of the Secretary of State
Charitable Solicitations Division
Legislative Building (Mail Stop: AS-22)
Olympia, WA 98504

NEW SECTION

WAC 434-19-013 **TOLL-FREE TELEPHONE NUMBER.** The telephone number to be disclosed as required by RCW 19.09.100 (1)(d) is:

1-800-332-4483 or 1-800-332-GIVE

This telephone number is answered 24 hours each day by a device which provides a recorded message and permits the caller to leave a recorded message.

NEW SECTION

WAC 434-19-014 **OFFICE HOURS.** Customary hours of operation of the Charitable Solicitations Division are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except holidays.

NEW SECTION

WAC 434-19-015 **PUBLIC RECORDS.** Except as provided by RCW 42.17.310, all public records of the Charitable Solicitations Division are available for public inspection and copying pursuant to rules of procedure, Chapter 434-12A WAC.

NEW SECTION

WAC 434-19-016 **PUBLIC RECORDS COPYING CHARGE - EXEMPTIONS.** (1) A request for a copy of a public record received by the Toll-Free telephone answering device shall be provided to the caller by mail without charge, subject to a limit of two documents copied per day, and six documents copied per month.

(2) Requests for copies of records by a public law enforcement agency shall be provided without charge

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

NEW SECTION

WAC 434-19-017 **REGISTRATION APPLICATIONS - GROUNDS FOR DENIAL.** An application to register or reregister as required by RCW 19.09.075, RCW 19.09.076(2), RCW 19.09.078, RCW 19.09.079 or RCW 19.09.085 shall not be accepted by the secretary if it is unsigned, incomplete, illegible, arithmetically inaccurate or does not contain all required fees, information, and documents in a single packet.

NEW SECTION

WAC 434-19-018 **REGISTRATION APPLICATIONS - COMPUTATION OF TIME.** In computing any period of time prescribed by the Act or these rules, unless the context clearly requires

otherwise, a day is considered a calendar day. The day of the act, event or other occurrence after which the designated period of time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday or holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday. Date of postmark is deemed to be the date of receipt.

NEW SECTION

WAC 434-19-020 **DEFINITIONS.** Terms defined in RCW 19.09.020 shall apply in these regulations. When used in these regulations:

(1) "Bona fide officer or employee" of a charitable organization shall include any individual volunteering his or her time without compensation.

(2) "Compensation" shall not include

(a) reimbursement to an individual employee or volunteer for actual costs incurred and paid by the employee or volunteer acting on behalf of the charitable organization; and

(b) a premium, prize or non-cash item awarded to a person under the age of 18 as a result of exceeding a specified campaign goal.

(3) "General public" or "public" shall include any defined or identifiable subset of the population of the state. This term shall also include any entity located in this state.

(4) "Independent Contractor" shall mean an entity, retained in the performance of fundraising services which

(a) is not retained as an employee by the charitable organization or independent fundraiser; and

(b) has authority to employ others without the direct approval of a charitable organization or independent fundraiser; or

(c) is required to have an independent business identity, separate from the charitable organization or independent fundraiser, under applicable statutes or regulations of a political subdivision of the state, the state Department of Revenue, or Employment Security Department, or the federal Internal Revenue Service or Social Security Administration.

(5) "Independent Fundraiser"

(a) shall not include any:

(i) employee retained by an independent fundraiser, provided the bond required by RCW 19.09.190 covers the actions of such employees;

(ii) accountant, attorney, banker, financial advisor or similar professional, who, in the regular course of his or her profession, advises a charitable organization regarding fundraising activities, provided the professional is not otherwise engaged in the business of or is held out to persons in this state as engaged in the business of soliciting contributions for charitable or religious purposes;

(iii) supplier of goods or services not otherwise engaged in the business of or held out to persons in this state as engaged in the business of soliciting contributions for charitable or religious purposes.

(iv) retail establishment, not otherwise deemed an independent fundraiser, in which the retail establishment promises to contribute a portion of the regular sales price of a product or service to a named charitable organization, provided (a) the price of the product or service is no more than the price 30 days before and 30 days after the promotion; and (b) the charitable organization's has given its written permission to use its name in connection with the promotion; and (c) the agreement governing the retail establishment's contribution is in writing.

(b) shall include any:

(i) independent contractor;

(ii) for-profit entity, not otherwise deemed a charitable organization, which is substantially engaged in a trade of commerce in this state which is intended to or results in the raising of funds for charitable or religious purposes or a charitable or religious organization. An organization is considered to be substantially engaged in a trade or commerce in this state which is intended to or results in the raising of funds for such purposes if 25% or more of the for-profit entity's gross receipts in any accounting period are associated with any contract or other arrangement which results in payments to a charitable or religious organization.

(6) "Official relationship", as used in the definition of "general public" or "public", shall mean a status conferred by a charitable organization which is obtained as a result of an a voluntary and affirmative action by an entity, on at least an annual basis, which demonstrates a continuing association with, support of, or knowledge of the activities of, the charitable organization.

(7) "Publicly supported educational facility" shall mean a public school or school district as defined by Title 28A RCW, or a public college, university, or community college as defined by Title 28B RCW.

(8) "Solicitation" shall not include any:

(a) application or request for application for a grant, contract, or similar funding from any foundation, corporation or similar entity which has an established application and review procedure for reviewing such requests.

(b) attempt to sell a service or good which constitutes the basis of the charitable organization's federal tax exemption or primary purpose for the existence of the charitable organization; including but not limited to: admission to a theatrical or other performance by an drama, musical, dance or similar group; and fees for services or use of the charitable organization's facilities.

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.

Section II: Charitable Organization Registration

NEW SECTION

WAC 434-19-050 CHARITABLE ORGANIZATION REGISTRATION - FINANCIAL INFORMATION CONSISTENT WITH FEDERAL INCOME TAX FORM 990. To the extent possible, all terms and financial reports required by the Act shall be consistent with the requirements of the Internal Revenue Service for completing Form 990, Return of Organization Exempt from Income Tax (IRS Form 990). A charitable organization may rely upon the information properly prepared for and submitted as part of IRS Form 990 to be in compliance with the filing requirements of the Act. Charitable organizations not required by the Internal Revenue Service to file a completed IRS Form 990 due to gross receipts not normally more than \$25,000 must complete the registration required by RCW 19.09.075.

NEW SECTION

WAC 434-19-051 CHARITABLE ORGANIZATION REGISTRATION - FEDERAL INCOME TAX FORM 990 NOT ACCEPTABLE. An application to register which contains IRS Form 990 in lieu of the registration, or any part of the registration, required by RCW 19.09.075 shall be considered incomplete, and shall not be accepted by the Secretary.

NEW SECTION

WAC 434-19-052 CHARITABLE ORGANIZATION REGISTRATION - OTHER FINANCIAL STANDARDS. (1) A charitable organization not subject to the filing requirements of IRS Form 990 shall complete the financial portion of the registration required by RCW 19.09.075:

(a) based only upon the activities under the supervision and control of the fundraising or development portion of the organization; and

(b) shall not include (i) appropriated funds except as provided under WAC 434-19-053; (ii) tuition, fees or contractual revenue for services rendered, (iii) admission fees to athletic events or registration fees for conferences, or similar events conducted as part of the charitable organization's purpose.

(2) Financial reports shall be substantially consistent with the requirements of IRS Form 990, the accounting principles of the American Institute of Certified Public Accountants (AICPA), or such standards generally recognized and accepted by the business or accounting association which governs the charitable organization's financial affairs.

NEW SECTION

WAC 434-19-053 CHARITABLE ORGANIZATION REGISTRATION - TREATMENT OF APPROPRIATED FUNDS. A charitable organization which is a government subdivision or publicly supported educational facility shall include funds appropriated by the government only to the extent such funds are directly expended to support fundraising efforts or to defray costs of administering the organization's fundraising programs.

NEW SECTION

WAC 434-19-054 CHARITABLE ORGANIZATION REGISTRATION - FINANCIAL REPORTING ADJUSTMENTS. (1) A charitable organization with current year expenses which exceed revenue received during the reporting year shall add to reported revenue that portion of previous years' surplus, fund balance, reserve or similar account which was used to offset the current year deficit.

(2) Funds irrevocably reserved to a capital acquisition or other legally binding reserve account shall be deemed disbursed for the stated purpose at the time of deposit to the reserve account.

(3) A charitable organization which is required to file an IRS Form 990 and which reports on IRS Form 990 "gross revenue from special fundraising events" of \$10,000 or more shall segregate "costs of goods sold" from other "direct expenses" relating to the "special fundraising events" and shall, as part of the application required by RCW 19.09.075(7):

(a) subtract only "costs of goods sold" from "gross revenue from special fundraising events" when calculating "total revenue;" and

(b) subtract "costs of goods sold" from all other "direct expenses" relating to "special fundraising events," and shall report the result as part of costs of solicitation.

(4) Terms referred to in WAC 434-19-054(3) shall be defined as provided in the instructions to IRS Form 990.

NEW SECTION

WAC 434-19-055 CHARITABLE ORGANIZATION REGISTRATION - CHANGE IN EXEMPTION STATUS. A charitable organization which becomes disqualified for the registration exemption provided by RCW 19.09.076(1) shall submit an application for registration as required by RCW 19.09.075 within 30 days of the event which disqualified the organization from the registration exemption.

NEW SECTION

WAC 434-19-056 CHARITABLE ORGANIZATION REGISTRATION - COMBINED PROGRAM AND PAID FUNDRAISING EFFORT. A charitable organization which (a) compensates an employee, independent contractor or independent fundraiser for fundraising services; and (b) allocates any portion of such compensation as part of the charitable organization's amount disbursed for charitable purpose shall file a statement to that effect as part of its annual registration.

NEW SECTION

WAC 434-19-059 CHARITABLE ORGANIZATION REGISTRATION - VOLUNTARY VERIFICATION INFORMATION. In its application to register, a charitable organization may include information intended to assist the general public in verifying that the charitable organization exists and is conducting the programs and activities it reports on the registration application. Such information is, and shall be clearly identified as, not mandatory. Not including such information shall not be grounds for denying an application to register.

NEW SECTION

WAC 434-19-060 CHARITABLE ORGANIZATION REGISTRATION - OUT OF STATE ORGANIZATIONS. In accordance with RCW 19.09.076 (2)(c), to qualify to be exempt from filing the registration application described in RCW 19.09.075, a charitable organization located outside the state of Washington shall file with the secretary all documents and schedules associated with the organization's filing of IRS Form 990 for the preceding accounting year.

NEW SECTION

WAC 434-19-065 CHARITABLE ORGANIZATION REGISTRATION - STATEMENT OF INTENT TO RESERVE FUNDS FOR POLITICAL CONTRIBUTION. (1) No funds solicited by a charitable organization may be used by a charitable organization as a contribution in support of, or in opposition to, any candidate or any ballot proposition unless the charitable organization using the funds for such support or opposition complies with WAC 434-19-065, and:

(a) has filed with the secretary of state a statement indicating that the organization expects to or may expend funds raised by solicitations to support or oppose a candidate or a ballot proposition. The statement

shall identify the maximum percentage of fund raised from solicitations that may be dedicated for use as contributions in support of, or in opposition to, any candidate or ballot proposition; and

(b) segregates from all other funds raised by solicitations those funds that may be used as a contribution in support of, or in opposition to any candidate or ballot proposition. Funds shall be segregated upon receipt, and only upon receipt. Once deposited to any other account or transferred out of the segregated account, funds shall not be transferred or otherwise redirected in any manner to political contributions.

(2) Funds segregated to the political account, as provided in WAC 434-19-045 (1)(b) shall be reported to the public disclosure commission, and excluded from the report of solicitation activity required under RCW 19.09.075(7), unless, before the close of the organization's accounting year, the funds are transferred from the segregated account into the general operations or other non-political accounts of the charitable organization.

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.

Section III: Charitable Organization and Non-Profit Fundraiser Registration

NEW SECTION

WAC 434-19-075 CHARITABLE ORGANIZATION REGISTRATION - NON-PROFIT FUNDRAISER - NEWLY FORMED ORGANIZATION. A charitable organization or non-profit fundraiser which is required to register, but has yet to complete its first accounting year shall complete the registration required by RCW 19.09.075 based upon the annual budget of expenditures approved by the organization's board of directors. The charitable organization shall clearly identify that the reported figures are budget estimates and not based upon actual funds expended.

NEW SECTION

WAC 434-19-077 CHARITABLE ORGANIZATION REGISTRATION - NON-PROFIT FUNDRAISER REGISTRATION - COMBINED FEE. An organization required to file a registration under both RCW 19.09.075 and RCW 19.09.078 shall file a single non-refundable fee of \$10.00 for both registration applications.

NEW SECTION

WAC 434-19-078 CHARITABLE ORGANIZATION REGISTRATION - NON-PROFIT FUNDRAISER - REGISTRATION FEE. (1) Unless notified pursuant to RCW 19.09.271, a charitable organization or non-profit fundraiser which submits an application to register or reregister which is not accepted by the secretary shall not be required to pay an additional filing fee if the organization submits an acceptable application to register within 28 days of the date of the notice of non-acceptance. A corrected application to register received after 28 days shall be required to include a \$10 filing fee plus any applicable late filing fees as required by RCW 19.09.271.

(2) Registration application updates or amendments which are not required to be filed by the Act or these rules, if accepted by the secretary, shall be accepted without fee.

Section IV: Independent Fundraiser Registration

NEW SECTION

WAC 434-19-080 INDEPENDENT FUNDRAISER REGISTRATION - IDENTIFICATION OF OTHER INDEPENDENT FUNDRAISERS RETAINED. In addition to identifying independent fundraisers retained by the registrant in the performance of fundraising services, the registrant shall indicate whether the retained fundraiser is, or is not, included in the registrant's surety bond. For those retained fundraiser that are reported as being covered by the registrant's bond, the registrant shall submit documentary evidence from the surety or sureties to verify bonding.

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

NEW SECTION

WAC 434-19-081 INDEPENDENT FUNDRAISER REGISTRATION - SINGLE BUSINESS NAME REQUIRED. No independent fundraiser registered as required by RCW 19.09.079 under one name shall engage in the business or act on the capacity of an independent fundraiser under any other name unless such other name is also separately registered and bonded.

NEW SECTION

WAC 434-19-082 INDEPENDENT FUNDRAISER REGISTRATION - PHYSICAL ADDRESS REQUIRED. An independent fundraiser shall provide the secretary with the physical street address of the fundraiser's principal business location. An application to register as required by RCW 19.09.079 which does not contain the true physical street address of the fundraiser's principal business location shall be considered incomplete and shall not be accepted by the secretary.

NEW SECTION

WAC 434-19-083 INDEPENDENT FUNDRAISER REGISTRATION - REGISTRATION FEE. (1) Unless notified pursuant to RCW 19.09.271, an independent fundraiser which submits an application to register or reregister which is not accepted by the Secretary shall not be required to pay an additional filing fee if the organization submits an acceptable application to register within 28 days of the date of the notice of non-acceptance. A corrected application to register received after 28 days shall be required to include a \$50 filing fee plus any applicable late filing fees as required by RCW 19.09.271.

(2) Registration application updates or amendments which are not required to be filed by the Act or these rules, if accepted by the secretary, shall be accepted without fee.

NEW SECTION

WAC 434-19-084 INDEPENDENT FUNDRAISER REGISTRATION - CALCULATION OF DISCLOSURE PERCENTAGE WAIVED. An independent fundraiser which is not involved in the conduct of a solicitation campaign and does not receive contributions on behalf of a charitable organization shall not be required to calculate the percentage which is required to be disclosed under RCW 19.09.100 (2)(b).

NEW SECTION

WAC 434-19-086 INDEPENDENT FUNDRAISER REGISTRATION - NEWLY FORMED ORGANIZATION. (1) An independent fundraiser which has yet to complete its first accounting year shall complete the registration required by RCW 19.09.079 based upon the average guaranteed minimum contractual return of gross receipts under the contract or contracts for fundraising services in existence at the time of the registration. The independent fundraiser shall clearly identify that the reported figures are not based upon actual funds received.

(2) If a newly formed independent fundraiser conducts a solicitation and is unable to calculate the average guaranteed minimum contractual return of gross receipts, the independent fundraiser shall report on the registration application required under RCW 19.09.079 that it is currently unable to comply with WAC 434-19-056.

(3) Before the end of the seventh month of operation, an independent fundraiser conducting a solicitation shall submit, without additional fee, a revised solicitation report as required under RCW 19.09.079(7) representing the fundraising services performed during the first six months of operation.

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

NEW SECTION

WAC 434-19-087 INDEPENDENT FUNDRAISER REREGISTRATION - CHANGE IN BUSINESS STRUCTURE. An independent fundraiser which changes its (a) business structure, (b) business name, (c) principal physical place of business, or (d) ownership shall file a new application to register, including a separate filing fee and evidence of bonding as required by RCW 19.09.190.

NEW SECTION

WAC 434-19-088 INDEPENDENT FUNDRAISER REREGISTRATION - EVIDENCE OF CONTINUATION OF BONDING REQUIRED. An independent fundraiser required to submit a reregistration under RCW 19.09.085(3) or WAC 434-19-056 shall include with such reregistration evidence of continuation of bonding, if any, as required under RCW 19.09.190.

NEW SECTION

WAC 434-19-090 CHARITABLE ORGANIZATIONS AND INDEPENDENT FUNDRAISERS - CONTRACT REGISTRATION FORM - TIMING. No fundraising service or activity shall commence until after the registration form required under RCW 19.09.097 shall have been mailed or delivered to the Charitable Solicitations Division at the address stipulated in WAC 434-19-012.

Section V: Conditions Applicable to Solicitations

NEW SECTION

WAC 434-19-100 CONDITIONS APPLICABLE TO SOLICITATIONS - EXEMPT ORGANIZATIONS EXEMPTED. An organization exempt by definition under RCW 19.09.020 (2)(b), and a charitable organization exempt from the registration requirements of RCW 19.09.075 under RCW 19.09.076(1) shall be exempt from the provisions of RCW 19.09.100.

NEW SECTION

WAC 434-19-101 CONDITIONS APPLICABLE TO SOLICITATIONS - MULTIPLE CONTACTS DEEMED SINGLE SOLICITATION. A person making more than one contact to solicit a contribution from an entity shall be considered to have complied with RCW 19.09.100 if:

- (a) all disclosures required by RCW 19.09.100 are provided in written form physically provided to the entity solicited at the beginning of the first contact; and
- (b) all disclosures required by RCW 19.09.100 are provided in written form physically provided to the entity solicited at least once every 90 calendar days; and
- (c) the entity solicited affirmatively consents to additional contacts to solicit a contribution.

NEW SECTION

WAC 434-19-102 CONDITIONS APPLICABLE TO SOLICITATIONS - NAME OF SOLICITOR. Persons under the age of 18 years may refuse to give their complete name, if, in the judgement of the charitable organization, disclosure of the person's complete name may pose a threat to the person under the age of 18.

NEW SECTION

WAC 434-19-105 CONDITIONS APPLICABLE TO SOLICITATIONS - STATEMENT OF INTENT TO RESERVE FUNDS FOR POLITICAL CONTRIBUTION. No funds solicited by a charitable organization may be used by a charitable organization as a contribution in support of, or in opposition to, any candidate or any ballot proposition unless the charitable organization using the funds for such support or opposition shall first disclose to each person or organization solicited that part or all of the contribution may be used in such manner. The disclosure required by this section shall be conspicuously made in writing to each person or organization solicited before the receipt of the contribution by the charitable organization or the charitable organization's fundraiser or agent.

NEW SECTION

WAC 434-19-110 CONDITIONS APPLICABLE TO SOLICITATIONS - WRITTEN DISCLOSURE - STANDARD. The disclosure required to be made under RCW 19.09.100(2), RCW 19.09.100(3) or WAC 434-19-065:

- (1) shall be at least 8 point type on a document intended to be retained by an individual; including but not limited to a letter, brochure, invoice, ticket, receipt, or advertisement in a publication; and
- (2) shall be readable in the manner in which it is customarily presented in a form that is (a) intended to be read from a distance or (b) not to be retained by an individual; including but not limited to a flyer, poster, petition, banner, photograph, televised picture or billboard; and

(3) in any circumstance, shall be no less conspicuous in size or intensity than the size and intensity of the written material which comprises the majority of the document or display.

NEW SECTION

WAC 434-19-113 CONDITIONS APPLICABLE TO SOLICITATIONS - NEW ORGANIZATION. (1) In lieu of the written disclosure required under RCW 19.09.100(2), a registered charitable organization or fundraiser which has yet to complete its first accounting year shall disclose in writing that the organization has yet to complete its first accounting year and is unable to comply with the written disclosure requirements of the Act.

(2) If a charitable organization or fundraiser has filed, without additional fee, and amended registration application based upon at least six months of operation, the organization shall rely upon such registration to calculate and make the disclosure required under RCW 19.09.100(2).

NEW SECTION

WAC 434-19-114 CONDITIONS APPLICABLE TO SOLICITATIONS - SOLICITATION CONDUCTED. A solicitation is considered conducted by the entity which is responsible for (a) the manner in which the message is communicated, or the individuals who communicate the solicitation message; and (b) the receipt of contributions from the public. Where these responsibilities are shared between a charitable organization and an independent fundraiser, the solicitation shall be considered conducted by the independent fundraiser if the independent fundraiser engages in any of the activities described in RCW 19.09.190(1), RCW 19.09.190(2), or RCW 19.09.190(3).

NEW SECTION

WAC 434-19-115 CONDITIONS APPLICABLE TO SOLICITATIONS - RESPONSIBILITY FOR CONTENT OF SOLICITATION. It shall be presumed to be the responsibility of the entity conducting the solicitation, as defined in WAC 434-19-074, to assure that the solicitation complies with the requirements of the Act.

NEW SECTION

WAC 434-19-116 CONDITIONS APPLICABLE TO SOLICITATIONS - ORAL DISCLOSURE OF PERCENTAGE REQUIRED. In addition to the written disclosures required under RCW 19.09.100(3), the disclosures required under RCW 19.09.100(2) shall be made orally if the person or organization soliciting charitable contributions by phone personally contacts a person solicited by phone prior to the receipt of a contribution.

NEW SECTION

WAC 434-19-118 CONDITIONS APPLICABLE TO SOLICITATIONS - SOLICITATION CONDUCTED VIA ELECTRONIC MEDIA. (1) The disclosures required under RCW 19.09.100(1), RCW 19.09.100(3) and WAC 434-19-076 shall apply to solicitations conducted via television or radio, except such announcements of one minute duration or less which are provided by the station at no expense, including but not limited to public service announcements and a news report of any duration.

(2) A solicitation, such as a telethon or similar event, conducted via television over a period exceeding thirty minutes of on-air time originating within the state shall contain the written disclosures required under RCW 19.09.100 (1)(d) and RCW 19.09.100 (2)(a) or (b), whichever is applicable, at least once during the telethon, and at least once during each fifteen minutes of on-air time originating within the state.

Section VI: Conditions Applicable to Surety Bond

NEW SECTION

WAC 434-19-190 SURETY BOND - BOND EXTENDED TO OTHER INDEPENDENT FUNDRAISER. (1) An independent fundraiser may, subject to approval by the surety, extend its bond coverage to include another independent fundraiser retained in the performance of fundraising services, provided; that such other independent fundraisers shall (a) have registered with the secretary and shall have executed a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least five

thousand dollars; and (b) for the remainder of its registration period, not be engaged in the business of providing fundraising services outside the arrangement with the independent fundraiser which extends its bond coverage.

(2) Evidence of the extension of bond coverage to another independent fundraiser shall be filed with the secretary prior to the commencement of any fundraising activities by the other independent fundraiser. Such evidence must be submitted on the letterhead or other official document of the surety.

NEW SECTION

WAC 434-19-191 SURETY BOND - WAIVER OF BOND REQUIREMENT. (1) Except as provided in WAC 434-19-083(3), an independent fundraiser which

(a) has been registered with the secretary as an independent fundraiser for at least one accounting year; and

(b) during the preceding accounting year has not, in the course of providing fundraising services, engaged in any of the activities described in RCW 19.09.190(1), RCW 19.09.190(2), and RCW 19.09.190(3);

is eligible upon request to receive a waiver of the bond required under RCW 19.09.190.

(2) Such request shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, signed by the independent fundraiser, and shall contain a statement, under penalty of perjury, assuring the secretary that during the previous accounting year, the independent fundraiser had not engaged in any of the activities described in RCW 19.09.190(1), RCW 19.09.190(2) and RCW 19.09.190(3).

NEW SECTION

WAC 434-19-192 SURETY BOND - REDUCTION IN BOND AMOUNT. (1) Except as provided in WAC 434-19-082(3), an independent fundraiser which

(a) has been registered with the secretary as an independent fundraiser for at least one accounting year; and

(b) during the preceding accounting year has not, in the course of providing fundraising services, engaged in more than any one of the activities described in RCW 19.09.190(1), RCW 19.09.190(2), and RCW 19.09.190(3);

is eligible upon request to receive a reduction of the bond required under RCW 19.09.190 from fifteen thousand dollars to five thousand dollars.

(2) Such request shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, signed by the independent fundraiser and shall contain a statement, under penalty of perjury, assuring the secretary that during the previous accounting year, the independent fundraiser has not engaged in more than one of the activities described in RCW 19.09.190(1), RCW 19.09.190(2) and RCW 19.09.190(3).

NEW SECTION

WAC 434-19-193 SURETY BOND - REINSTATEMENT OF BOND AMOUNT. (1) An independent fundraiser which:

(a) has received approval from the secretary to (i) reduce the bond requirement of RCW 19.09.190 to five thousand dollars under the provisions of WAC 434-19-080 or WAC 434-19-082; or (ii) waive the bond requirement of RCW 19.09.190 under the provisions of WAC 434-19-082; and

(b) fails to refrain from engaging in any activity which qualified the independent fundraiser for such reduced or waived bond; shall immediately execute a bond as principal with one of more sureties whose liability in the aggregate of such sureties will equal at least fifteen thousand dollars.

(2) Failure to provide evidence of proper bonding shall result in the secretary revoking the registration of the independent fundraiser until evidence sufficient bonding is received.

(3) An independent fundraiser which has been required to increase or reinstate a bond under the provisions of WAC 434-19-083(1) or has had the bond impaired by any final judgement, shall not again be eligible to receive a waiver or reduction in bond amount.

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

NEW SECTION

WAC 434-19-194 SURETY BOND - IMPAIRMENT OF BOND. In the event that any final judgement shall impair the liability of a surety upon the bond furnished under RCW 19.09.190 that there shall not be in effect a bond undertaking in the full amount of fifteen thousand dollars, the secretary shall suspend the registration of such independent fundraiser until the bond liability the full amount of fifteen thousand dollars, unimpaired by unsatisfied judgement claims shall have been furnished.

NEW SECTION

WAC 434-19-195 SURETY BOND - CONDITIONS DEFINED. As used in the Act and these rules:

(1) An independent fundraiser shall be considered to "directly or indirectly receive contributions from the public on behalf of a charitable organization" when (a) the independent fundraiser has authority over, retains control of, or has any claim to contributions received as a result of a solicitation; or (b) an entity other than the charitable organization shall receive or have access or claim to contributions received as a result of the solicitation.

(2)(a) An independent fundraiser shall be considered to be "compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any other similar method" when (i) the amount of the independent fundraiser's compensation cannot be determined prior to the commencement of the fundraising service; or (ii) any part of the arrangement between the charitable organization and the independent fundraiser is contingent upon funds to be raised, solicitations to be made or any other similar method.

(b) An independent fundraiser shall not be considered to be "compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method" if (i) the fundraiser's compensation is based solely on the number of products supplied by the fundraiser to the charitable organization for resale by the charitable organization; and (ii) the charitable organization is free to establish the sales price of the product.

(3) An independent fundraiser shall be considered to "incur or be authorized to incur expenses on behalf of the charitable organization" when (a) there an expense relating to the solicitation which may become the liability of the charitable organization and such expense is not paid by the independent fundraiser at the time the expense is authorized, committed to or delivered, whichever occurs earliest.

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.

Section VII: Miscellaneous Provisions

NEW SECTION

WAC 434-19-230 USING THE NAME OF ANOTHER ENTITY - REFERENCE TO UN-NAMED BENEFICIARY. An entity which implies or states that admission to a function conducted as part of a solicitation or the proceeds of a solicitation will benefit disadvantaged youth, handicapped children, disabled persons, or words of similar meaning or effect shall identify (a) the manner in which such proceeds or admissions are to be delivered to the un-named beneficiaries; and (b) the name of any entity which will be asked to assist in the distribution of such proceeds or admissions.

WSR 88-05-055

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning chemical restrictions on alfalfa and clover in Kittitas County, chapter 16-230 WAC;

that the agency will at 10:00 a.m., Tuesday, March 29, 1988, in the Cooperative Extension Assembly Room,

2nd Floor, Kittitas County Courthouse, 5th and Main, Ellensburg, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 4, 1988.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Dated: February 17, 1988

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-230 WAC, WAC 16-230-030 through 16-230-079.

Description of Purpose: Restricted use of chemicals on blossoming alfalfa, clover and mint to prevent harm to beneficial insects.

Statutory Authority: Chapters 15.58 and 17.21 RCW.

Summary of Rules: To provide a permit provision which would allow the department to permit control measures on a case-by-case basis while still providing protection to beneficial bees, and to allow the use of methidathion (Supracide) for control of insect damage to hay without significant hazard to bees.

Reasons for Supporting Proposed Rules: Outbreaks of insects in Kittitas County have threatened to cause the timothy and alfalfa hay growers severe economic losses.

Personnel Responsible for Drafting, Implementing and Enforcing Rules: Glenn E. Smerdon, Ag Chemical Branch Supervisor, 406 General Administration Building, AX-41, Olympia, WA, phone (206) 753-5064.

Persons Proposing Rules: Washington State Department of Agriculture.

Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1818, filed 4/10/84)

WAC 16-230-030 ALFALFA AND CLOVER—CHEMICAL RESTRICTIONS. (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides shall be prohibited on blossoming alfalfa and clover crops within seven days to blossoming: PROVIDED, That Methidathion (Supracide) when used as per label directions in Kittitas County, and not be limited to use seven days prior to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon or Rebelate)
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of chlorpyrifos (Lorsban), mevinphos (Phosdrin), wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides shall be prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)
- (d) Malathion dust and ULV
- (e) Methyl parathion
- (f) Mevinphos (Phosdrin) dust

- (g) Naled (Dibrom) dust
- (h) Parathion
- (i) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: PROVIDED, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: PROVIDED FURTHER, That the application of the following restricted use pesticides on blossoming alfalfa in Walla Walla County is further restricted to applications only within the period beginning at sunset and ending at two hours after midnight the following morning:

- (a) Carbophenothion (Thirithion)
- (b) Formetanate hydrochloride (Carzol)
- (c) Demethon (Systox)
- (d) Naled (Dibrom) emulsifiable concentrate
- (e) Disulfoton (Di-Syston)
- (f) Endosulfan (Thiodan)
- (g) Oxydemeton-methyl (Metasystox-R)
- (h) Methomyl (Lannate or Nudrin)
- (i) Methoxychlor (Marlate)
- (j) Phorate (Thimet) granular
- (k) (~~Trichlorfon~~) Trichlorfon (Dylox)
- (l) Oxamyl (Vydate)

NEW SECTION

WAC 16-230-079 SPECIAL PERMITS. The department may issue a permit upon receipt of a written request to apply restricted use pesticides listed in WAC 16-230-010 in variation of any restrictions listed in WAC 16-230-015, 16-230-030, and 16-230-075 through 16-230-078. The department shall consider the hazard to pollinating insects before a permit is issued.

WSR 88-05-056

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2599—Filed February 17, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Eligibility determination—Medically need in own home, amending WAC 388-99-020.

This action is taken pursuant to Notice No. WSR 88-02-030 filed with the code reviser on December 31, 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 7, Laws of 1987 1st ex. sess., and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 16, 1987 [1988].

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2522, filed 8/17/87)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$	((368)) 382
(b) Two persons	\$	532
(c) Three persons	\$	((567)) 599
(d) Four persons	\$	667
(e) Five persons	\$	767
(f) Six persons	\$	875
(g) Seven persons	\$	1,008
(h) Eight persons	\$	1,117
(i) Nine persons	\$	1,225
(j) Ten persons and above	\$	1,333

(2) The department shall allow the following general income disregards:

(a) For families and children the department will determine countable income (~~((is determined))~~) by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

~~((3))~~ (b) For aged, blind, and disabled individuals the department will determine countable income (~~((is determined))~~) by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(3) The department shall allow the following special income disregards:

(a) Health insurance premiums the individual expects to pay during the base period.

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse not to exceed the one person medically needy income level.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant, whether or not actually contributed, if ~~((they))~~ the parent or spouse lives in the same household.

(ii) Income and resources of spouse or parent, not in the same household, are considered only to the extent of what is actually contributed (~~((if not in same household))~~).

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsections (2)(a) and (3) of this section, and for the SSI related assistance unit according to subsections (2)(b) and (3) of this section.

WSR 88-05-057

ADOPTED RULES

BOARD OF HEALTH

[Order 307—Filed February 17, 1988]

Be it resolved by the Washington State Board of Health, acting at Lacey, Washington, St. Placid Priory, 320 College Street S.E., that it does adopt the annexed rules relating to public water supplies, chapter 248-54 WAC.

This action is taken pursuant to Notice No. WSR 87-24-037 filed with the code reviser on November 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 34.04.045 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 10, 1988.

By John A. Beare, MD, MPH
Secretary

Reviser's note: The material contained in this filing will appear in the 88-06 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 88-05-058

PROPOSED RULES

CHIROPRACTIC DISCIPLINARY BOARD

[Filed February 17, 1988]

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 amending of WAC 113-12-200;

that the agency will at 9:00 a.m., Thursday, March 31, 1988, in the West Coast Hotel, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.26.110.

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 March 31, 1988.

Dated: February 17, 1988

By: John H. Keith
Assistant Attorney General
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Disciplinary Board.

Rule Title, Summary, and Purpose: WAC 113-12-200 Scope of practice—Revocation or suspension of license for practice outside scope. This proposal would clarify the board's interpretation that female breast examinations are outside the scope of chiropractic.

Statutory Authority: RCW 18.26.110.

Reason Proposed: To protect the public's health, safety and welfare.

Responsible Departmental 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, (206) 753-3129 comm, (206) 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 was defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PM 693, filed 12/1/87)

WAC 113-12-200 SCOPE OF PRACTICE—REVOCATION OR SUSPENSION OF LICENSE AUTHORIZED FOR PRACTICE OUTSIDE SCOPE. (1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes: PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

- (a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.
- (b) The use of any form of electrocardiogram.
- (c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).
- (d) Hair analysis.
- (e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.
- (f) The use of iridology.
- (g) The taking of blood samples.
- (h) Female breast examinations.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

- (a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.
- (b) Colonic irrigation.
- (c) Extremity adjusting, unless complementary to and/or preparatory to a spinal adjustment and not solely as a treatment of a specific extremity condition.
- (d) Electrotherapy.
- (e) The use of a transcutaneous electrical nerve stimulator (TENS).
- (f) The use of the endonasal technique.
- (g) The use of any type of casting other than light body casting.
- (h) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names.
- (i) The use of hypnosis for any other than relaxation purposes.
- (j) The use of clinical herbology.
- (k) Adjustment of the temporomandibular joint unless used preparatory to or complimentary to the correction of a spinal subluxation and not as the sole treatment of a dysfunction in the temporomandibular joint.

(l) Furnishing foot orthotics unless provided complementary to and/or preparatory to a spinal adjustment and not solely as a treatment of a specific foot condition.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) of this section shall constitute unprofessional conduct under RCW 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

WSR 88-05-059

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation of registered counselors; that the agency will at 1:30 p.m., Monday, March 28, 1988, in the Examination Center, 1300 Quince Street,

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 a date following the hearing.

The authority under which these rules are proposed is RCW 18.19.050.

The specific statute these rules are intended to implement is RCW 18.19.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 28, 1988.

Dated: February 17, 1988

By: Robert Van Schoorl
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Title: WAC 308-190-030 Definitions; 308-190-040 Client disclosure information; and 308-190-050 Failure to provide client disclosure information.

Description of Purpose: To adopt new rules relating to definitions of terms used in chapter 18.19 RCW and information disclosure to clients.

Statutory Authority: RCW 18.19.050 and 18.19.060.

Summary and Purpose of Rules: WAC 308-190-030, to clarify the meaning of terms used in the statute and rules relating to counselors; WAC 308-190-040, to describe disclosure information to be provided to each client of a counselor; and WAC 308-190-050, to identify failure to provide client disclosure information as an act of unprofessional conduct.

Responsible Personnel: The following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, WA 98504-8001, phone (206) 753-3576 comm or 234-3576 scan.

Proponents: The Washington State Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

NEW SECTION

WAC 308-190-030 DEFINITIONS. The following terms are defined with the meaning of this chapter.

(1) "Fee" as referred to in RCW 18.19.030 means compensation paid in exchange for counseling service whether or not the fee is paid on a contractual basis through a government agency or another third party, or is charged by a company, corporation, or any other type of firm, business, or individual provide.

(2) "Similarly regulated" Individuals who are currently registered, certified, or licensed under other laws of this state wherein disciplinary standards defining acts of unprofessional conduct apply to each individual under the regulation.

(3) "Therapeutic techniques" The method of procedures used when assisting an individual with emotional, behavior, or mental issues.

(4) "Treatment" shall mean assisting or attempting to assist an individual and does not include the initial assessment/evaluation.

NEW SECTION

WAC 308-190-040 CLIENT DISCLOSURE INFORMATION. The term "counselor" as used in the wording of these rules includes all counselors, hypnotherapists, marriage and family therapists, mental health counselors, and social workers, whether registered or certified.

Counselors must provide disclosure information to each client in accordance with chapter 18.19 RCW prior to implementation of a treatment plan. The disclosure information must be specific to the type of counseling service offered; in language that can be easily understood by the client; and contain sufficient detail to enable the client to make an informed decision whether or not to accept treatment from the disclosing counselor.

(1) The disclosure information may be printed on the firm, agency, business, or counselor's letterhead but must include the following information:

- (a) Name of firm, agency, business, or counselor's practice.
- (b) Counselor's business address and telephone number.
- (c) Washington State registration or certification number.
- (d) The counselor's name and type of counseling they provide.
- (e) The methods or techniques the counselor uses.
- (f) The counselor's education, training, and experience.
- (g) Client's cost per each counseling session and the course of treatment where known.

(h) Signatures are required of both the counselor providing the disclosure information and the client following a statement that the client has been provided a copy of the required disclosure information and the client has read and understands the information provided. The date of signature by each party is to be included at the time of signing.

(i) Firms, agencies, or businesses may supply generic information relative to a counselor's disclosure to the client, in a format which does not duplicate disclosure information provided when more than one counselor is involved in treatment.

(2) The following language must appear on every client's disclosure statement:

"Counselors practicing counseling for a fee must be registered or certified with the Department of Licensing for the protection of the public health and safety. Registration of an individual with the department does not include a recognition of any practice standards, nor necessarily implies the effectiveness of any treatment."

(#) The Department of Licensing brochure published for counseling or hypnotherapy clients must be presented to the client at the same time as the counselor's disclosure information. The brochure is equally a part of the required client disclosure information. One brochure per client is sufficient for firms, agencies, or businessES utilizing more than one counselor as part of the treatment plan.

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 308-19-050 FAILURE TO PROVIDE CLIENT DISCLOSURE INFORMATION. Failure to provide to the client any of the disclosure information as set forth in WAC 308-190-040 and as required by the law shall constitute an act of unprofessional conduct as defined in RCW 18.130.180(21).

Reviser's note: The new section above appears as filed by the agency pursuant to RCW 34.08.040, however the reference to WAC 308-19-050 is probably intended to be to WAC 308-190-050.

WSR 88-05-060
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal

rules concerning the regulation of certified mental health counselors;

that the agency will at 1:30 p.m., Monday, March 28, 1988, in the Examination Center, 1300 Quince Street, 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 a date following the hearing.

The authority under which these rules are proposed is RCW 18.19.050.

The specific statute these rules are intended to implement is RCW 18.19.120.

Dated: February 16, 1988
By: Robert Van Schoorl
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: [Department of Licensing].

Title: WAC 308-210-010 Definitions; 308-210-020 Approved schools; 308-210-030 Examination waiver eligibility; 308-210-040 Examination for certified mental health counselors; 308-210-050 Mental health counselors—Education requirement prior to examination for certification; and 308-210-060 National certification equivalent to Washington state certification.

Description of Purpose: To adopt rules relating to certification of mental health counselors.

Statutory Authority: RCW 18.19.120.

Summary and Purpose of Rules: WAC 308-210-010, to define the explicit meaning of terms used in the law; WAC 308-210-020, to identify approved schools; WAC 308-210-030, to describe who may be eligible for waiver of examination; WAC 308-210-040, to identify format and frequency of examination; WAC 308-210-050, to identify educational degrees and describe subject content of study required to meet the education requirements for examination; and WAC 308-210-060, to recognize that current National Academy of Certified Clinical Mental Health Counselors certification is equivalent to Washington state education, experience and examination requirements for certification.

Responsible Personnel: The following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, WA 98504-8001, phone (206) 753-3576 comm or 234-3576 scan.

Proponents: The Washington State Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

Chapter 308-210 WAC MENTAL HEALTH COUNSELORS

WAC

308-210-010	Definitions.
308-210-020	Approved schools.
308-210-030	Examination waiver eligibility.
308-210-040	Examination for certified mental health counselors.
308-210-050	Mental health counselors—Education requirement prior to examination for certification.
308-210-060	National certification equivalent to Washington state certification.

NEW SECTION

WAC 308-210-010 DEFINITIONS. (1) "Wellness model" is defined as focusing on a client's inherent strengths rather than pathology or restrictions on the clientele to be treated. "Wellness model" is an attitudinal rather than methodological intention.

(2) "Post graduate supervision" is defined as consisting of a total of one hundred documented hours of individual face-to-face case consultation with an approved supervisor, with no more than six hours per month to be allowed to accrue toward the total.

(3) "Post graduate professional experience" is defined as consisting of at least fifty percent face-to-face counseling service hours per week for a full or part time employee. The total number of supervised counseling hours is two thousand or more documented hours accumulated over a minimum of twenty-four months but not more than forty-eight months.

(4) "Counseling practicum" is defined as mental health counseling done on-campus and supervised as a part of a course.

(5) "Counseling internship" is defined as supervised mental health counseling done off-campus, i.e., field work.

(6) "Approved supervisor" shall include a certified mental health counselor, licensed psychologist, licensed psychiatrist, or other mental health professional who meets or exceeds the requirements of certified mental health counselor; provided, the supervisor is not a blood or legal relative or cohabitant of the supervisee.

NEW SECTION

WAC 308-210-020 APPROVED SCHOOLS. Approved schools are those colleges or universities which were accredited by Western Association of Schools and Colleges, Northwest Association of Schools and Colleges, or an essentially equivalent national or regional accrediting body recognized by the council on postsecondary accreditation at the time the applicant completed the required education.

NEW SECTION

WAC 308-210-030 EXAMINATION WAIVER ELIGIBILITY. (1) Graduate degree applicants.

(a) Graduate degree applicants must have a master's or doctoral degree in mental health counseling or a related field which includes those degrees with the substantial equivalent in subject content to a graduate mental health counseling degree as defined in WAC 308-210-050; and

(b) Postgraduate professional experience and postgraduate supervision.

(2) Alternative training and experience equivalent applicants.

(a) Alternative training and experience equivalent applicants must have a minimum of a bachelor's degree in social work, nursing, education, or social sciences from a regionally accredited institution; and

(b) At least five years of documented experience employed in a mental health setting with two thousand hours of supervised face-to-face counseling; or

(c) A combination of supervised and unsupervised face-to-face counseling where two and one-half hours without supervision may be considered as replacement for one hour with supervision.

(3) Persons applying for certification as a mental health counselor during the initial certification period shall meet the requirement for supervised practice or shall be required to pass the certification examination.

NEW SECTION

WAC 308-210-040 EXAMINATION FOR CERTIFIED MENTAL HEALTH COUNSELORS. A written, multiple-choice certification examination on knowledge and application of mental health counseling will be administered at least once a year.

NEW SECTION

WAC 308-210-050 MENTAL HEALTH COUNSELORS—EDUCATION REQUIREMENT PRIOR TO EXAMINATION FOR CERTIFICATION. (1) To meet the education requirement imposed by RCW 18.19.120, an applicant must possess:

(a) A master's or doctoral degree in mental health counseling or related field from a regionally accredited college or university; or

(b) A bachelor's degree and successful completion of at least thirty graduate semester hours or forty-five graduate quarter hours in the field of mental health counseling or the substantial equivalent in subject content.

(2) Subject content includes a core of study relating to counseling theories, counseling philosophy, counseling practicum, counseling internship, and content in professional ethics and law in counseling theory, philosophy, practicum and internship, and at least seven course content areas from the following list:

(a) Assessment/diagnosis.

(b) Career development counseling.

(c) Counseling individuals.

(d) Counseling groups.

(e) Counseling couples and families.

(f) Developmental psychology (may be child, adolescent, adult or life span).

(g) Abnormal psychology/psychopathology.

(h) Research and evaluation.

(i) Multicultural concerns.

(j) Substance/chemical abuse.

(k) Physiological psychology.

(l) Organizational psychology.

NEW SECTION

WAC 308-210-060 NATIONAL CERTIFICATION EQUIVALENT TO WASHINGTON STATE CERTIFICATION. Persons currently credentialed by the National Academy of Certified Clinical Mental Health Counselors (NACCMHC) as a Certified Clinical Mental Health Counselor (CCMHC) shall be considered to have met the requirements for Washington state certified mental health counselor.

Verification of current status as a CCMHC shall be submitted directly to the department of licensing from the NACCMHC.

WSR 88-05-061**PROPOSED RULES****DEPARTMENT OF LICENSING
(Occupational Therapy Practice Board)**

[Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Occupational Therapy Practice Board intends to adopt, amend, or repeal rules concerning the amending of WAC 308-171-010 and 308-171-020;

that the agency will at 10:00 a.m., Friday, March 25, 1988, in the Olympic Room, West Coast Hotel, 18220 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.59.050.

The specific statute these rules are intended to implement is RCW 18.59.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 24, 1988.

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

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

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

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

Linda Crerar, Executive Secretary
Department of Licensing
Division of Professional Licensing
P.O. Box 9012
Olympia, WA 98504

Dated: February 17, 1988

By: Joyce R. Dolliver
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
WAC 308-171-010 Recognized educational programs—Occupational therapists; and 308-171-020 Recognized educational programs—Occupational therapy assistants.

Statutory Authority and Specific Statute that Rules are Intended to Implement: RCW 18.59.050.

Summary of the Rules: Update the list of approved educational programs.

Reasons Supporting the Proposed Rules: Update of approved educational programs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: In addition to members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Linda Crerar, Executive Secretary, Division of Professional Licensing, P.O. Box 9012, Olympia, WA 98504, (206) 753-3129 comm, 234-3129 scan.

Name of the Person or Organization that is Proposing the Rules: Board of Occupational Therapy Practice.

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

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

Small Business Economic Impact Statement: Not required for these rules. The board has reviewed the impact that these rules would have on occupational therapists and occupational therapy assistants. The board finds that a small business impact statement is not required. Occupational therapists and occupational therapy assistants are classed in SIC Code 804, offices of other health care practitioners. As such, they account for less than 10 percent of the health practitioners in this area. Also, they are less than 20 percent of all industries. Finally, any impact that these proposed rules may have

is intended to fall equally on all occupational therapists and occupational therapy assistants.

AMENDATORY SECTION (Amending Order PM 645, filed 4/14/87)

WAC 308-171-010 RECOGNIZED EDUCATIONAL PROGRAMS—OCCUPATIONAL THERAPISTS. The board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association as recognized in the ((1986-)) 1987-1988 Listing of Educational Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc.

AMENDATORY SECTION (Amending Order PM 645, filed 4/14/87)

WAC 308-171-020 RECOGNIZED EDUCATIONAL PROGRAMS—OCCUPATIONAL THERAPY ASSISTANTS. The board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association as recognized in the ((1986-)) 1987-1988 Listing of Educational Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc.

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 88-05-062
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation of certified marriage and family therapists;

that the agency will at 1:30 p.m., Monday, March 28, 1988, in the Examination Center, 1300 Quince Street, 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 a date following the hearing.

The authority under which these rules are proposed is RCW 18.19.050.

The specific statute these rules are intended to implement is RCW 18.19.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 28, 1988.

Dated: February 16, 1988
 By: Robert Van Schoorl
 Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Title: WAC 308-220-010 Definitions; 308-220-020 Examinations; 308-220-030 Approved graduate programs; 308-220-040 Program equivalency; 308-220-050 Supervision; 308-220-070 Supervision qualifications; and 308-220-080 Supervision of post-graduate practice.

Description of Purpose: To adopt rules relating to certification of marriage and family therapists.

Statutory Authority: RCW 18.19.130.

Summary and Purpose of Rules: WAC 308-220-010, to define terms pertaining to the certification of marriage and family therapy; WAC 308-220-020, to clarify the number of times the examination will be given, its format and filing date; WAC 308-220-030, to identify approved graduate programs, equivalent programs of study and program accreditation; WAC 308-220-040, to describe program equivalency by listing the subject areas and the minimum number of hours needed for completion; WAC 308-220-050, to identify the characteristics of supervision for marriage and family therapy; WAC 308-220-070, to set qualifications of person who may supervise clinical practice; and WAC 308-220-080, to clarify the number of hours of supervised post-graduate practice.

Responsible Personnel: The following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, WA 98504-8001, phone (206) 753-3576 comm or 234-3576 scan.

Proponents: The Washington State Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

Chapter 308-220 WAC
MARRIAGE AND FAMILY THERAPISTS

WAC	
308-220-010	Definitions.
308-220-020	Examination.
308-220-030	Approved graduate programs.
308-220-040	Program equivalency.
308-220-050	Supervision.
308-220-070	Supervisor qualifications.
308-220-080	Supervised postgraduate practice.

NEW SECTION

WAC 308-220-010 DEFINITIONS. Definitions within the meaning of this chapter as pertains to the certification of marriage and family therapists.

(1) Shows evidence is defined as the official transcript sent directly to the department of licensing by the approved college or university to include course catalogs and syllabi if requested by the department.

(2) Approved school means any regionally accredited college or university.

(3) Marriage and family assessment includes the evaluation and diagnosis of individual, marital, family functioning, and psychopathology.

(4) Treatment is a process that is derived from a systemic or interactional theoretical orientation where psychotherapy is employed to improve the individual, marital, and family functioning.

(5) Equivalent to a master or doctorate degree in marriage and family therapy is defined as a masters or doctorate degree in any of the behavioral sciences that shows evidence of equivalent coursework.

(6) Supervision means a minimum of one hour of supervised practice every other week. Supervision means the oversight and responsibility for the supervisee's continuing clinical practice of marriage and family therapy.

NEW SECTION

WAC 308-220-020 EXAMINATION. Examinations will be given at least once annually as determined by the director. Applications must be complete and submitted at least ninety days in advance.

NEW SECTION

WAC 308-220-030 APPROVED GRADUATE PROGRAMS. Approved graduate programs are marriage and family therapy programs accredited by the commission on accreditation for marriage and family therapy education or an equivalent course of study from a regionally accredited college or university.

NEW SECTION

WAC 308-220-040 PROGRAM EQUIVALENCY. Equivalent course of graduate study shall include:

	<u>Sem.Hrs.</u>	<u>Qtr.Hrs.</u>
(1) Marriage & fam. sys. 2 - 4 courses	6 - 12	8 - 16

Marital and Family systems

This is a fundamental introduction to the systems approach to intervention. The student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system, it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically-oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marriage & fam. ther. 2 - 4 courses	6 - 12	8 - 16
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Marital and Family Therapy

This area is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied studies should consider the range of technique associated with each orientation, as well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development - 1 course	2 - 4	3 - 6
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Individual Development

This area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant course work in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Assess. of psychopathology - 1 course	2 - 4	3 - 6
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Sem.Hrs. Qtr.Hrs.

Psychopathology

This is the assessment and diagnosis, including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality - 1 course	2 - 4	3 - 6
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- (a) To include normal psycho-sexual development;
- (b) Sexual functioning, its physiological aspects;
- (c) Sexual dysfunction and its treatment.

27-Hr. Minimum semester hours in areas (1), (2), (3), (4), and (5) of this section.

36-Hr. Minimum semester hours in areas (1), (2), (3), (4), and (5) of this section.

(6) Research methods - 1 course	3	4
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Research

This area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law - 1 course	4	3
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Professional Studies

This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and inter-professional cooperation.

(8) A minimum of one year in the practice of marriage and family therapy under the supervision of a qualified marriage and family therapist.

Supervised clinical practice

A minimum of 500 hours of direct contact is required during graduate school. The student shall be involved in direct systemic/interactional clinical work with individuals, couples, and families. This work will continue without interruption for the balance of the student's academic program or at least one calendar year. A total of 500 direct clinical hours shall be spread evenly throughout the calendar year.

(9) Electives - 1 course	3	4
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Electives

This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

Total Req. Hrs.	45	60
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NEW SECTION

WAC 308-220-050 SUPERVISION. Supervision of marriage and family therapy is expected to have the following characteristics:

(1) It is face-to-face conversations with the supervisor, usually in periods of approximately one hour each.

(2) Marriage and family therapy supervision focuses on the raw data from a supervisee's continuing practice, as this is made directly available to the supervisor through such means as direct observation, cotherapy, written clinical notes and audio and video recordings.

(3) Marriage and family therapy supervision is a process clearly distinguishable from (if in some ways similar to) personal psychotherapy and is contracted in order to serve professional/vocational goals.

(4) Supervision from a family member is not acceptable.

(5) Peer supervision, a contradiction in terms, is not acceptable. Activities between clinical peers are not applicable for credit toward supervision.

(6) In order for a supervisee to receive credit, supervision may be done in a group of no more than six supervisees plus their supervisors for group credit and of no more than two supervisees for individual credit.

NEW SECTION

WAC 308-220-070 SUPERVISOR QUALIFICATIONS. Marriage and family therapists qualified to supervise are those that document at least one year of experience in the provision of marriage and family therapy supervision. Documentation shall consist of two letters verifying supervision experience and sent directly to the department of licensing from an agency director, supervisor or certified family therapist, and three years of post certification experience, or:

Marital and family therapists certified prior to July 27, 1988, and who have three years of documented marital and family therapy practice, prior to July 27, 1988, will be recognized as a qualified supervisor, or:

An American Association of Marriage and Family Therapy approved supervisor.

NEW SECTION

WAC 308-220-080 SUPERVISED POSTGRADUATE PRACTICE. Two years of supervised postgraduate practice is required to be eligible for certification examination. The two years would include at least 200 hours of supervision with at least 100 of the 200 hours to be individual supervision. The 200 hours of supervised practice represents 1,000 hours of direct client contact.

Applicants who have completed programs accredited by the AAMFT commission on accreditation may be credited with 500 hours of face-to-face contact and 100 hours of supervision toward postgraduate supervision requirements.

WSR 88-05-063
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation of certified social workers;

that the agency will at 1:30 p.m., Monday, March 28, 1988, in the Examination Center, 1300 Quince Street, 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 a date following the hearing.

The authority under which these rules are proposed is RCW 18.19.050.

The specific statute these rules are intended to implement is RCW 18.19.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 28, 1988.

Dated: February 16, 1988

By: Robert Van Schoorl
 Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Title: WAC 308-230-010 Accredited graduate schools; 308-230-020 Examination required; 308-230-030 Education and supervision equivalency; 308-230-040 Supervision requirements; and 308-230-050 Certification person credentialed out of state.

Description of Purpose: To adopt new rules relating to certification of social work.

Statutory Authority: RCW 18.19.110.

Summary and Purpose of Rules: WAC 308-230-010, to describe accredited graduate programs of social work; WAC 308-230-020, to identify the required state examination for certification of social workers; WAC 308-230-030, to allow individuals with current Academy of Social Workers status to meet education and supervision requirements; WAC 308-230-040, to identify the number of hours of supervised social work practice required and who may supervise; and WAC 308-230-050, to identify persons with out-of-state certifications who may qualify for Washington state certification.

Responsible Personnel: The following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, WA 98504-8001, phone (206) 753-3576 comm or 234-3576 scan.

Proponents: The Washington State Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

Chapter 308-230 WAC
 SOCIAL WORKERS

WAC

308-230-010	Accredited programs.
308-230-020	Examination required.
308-230-030	Education and supervision equivalency.
308-230-040	Supervision requirements.
308-230-050	Certification of persons credentialed out-of-state.

NEW SECTION

WAC 308-230-010 ACCREDITED PROGRAMS. Accredited graduate school of social work as provided in RCW 18.19.110, means a program accredited by the council of social work education. Program equivalency: Includes:

(1) Canadian graduate schools of social work that are approved by the Canadian council of social work; and

(2) Foreign curriculum which meets the requirements of the foreign equivalency determining service of the council on social work education. Obtaining such equivalency approval is the applicant's responsibility.

NEW SECTION

WAC 308-230-020 EXAMINATION REQUIRED. The American Association of State Social Work Board's level C examination is approved for use as the state examination for certification of social workers.

NEW SECTION

WAC 308-230-030 EDUCATION AND SUPERVISION EQUIVALENCY. The academy of certified social workers (ACSW). Anyone with current ACSW status is considered to have met the education and supervision requirements for Washington state certification. Documentation of ACSW status for Washington state residents must be verified from the National Association of Social Workers. Verification must be sent directly to the department of licensing from the National Office of NASW or any state chapter office of NASW.

NEW SECTION

WAC 308-230-040 SUPERVISION REQUIREMENTS. Three thousand two hundred hours of supervised social work practice is required.

(1) Within that practice, ninety hours of formal meetings with the supervisor to discuss social work practice related issues shall occur.

(2) Of the ninety hours, at least forty-five hours must be under the supervision of a person who is either a Washington state certified social worker, ACSW or social worker who can demonstrate equal qualifications to those required by the department. No more than forty-five hours may be under the supervision of a professional registered or licensed in the following categories: Psychiatrists, psychologists, psychiatric nurses, mental health counselors and marriage and family therapists; or a mental health professional from the above list who can demonstrate equal qualifications as required by the department.

NEW SECTION

WAC 308-230-050 CERTIFICATION OF PERSONS CREDENTIALLED OUT-OF-STATE. Substantially equal, as referenced in RCW 18.19.160 means having the same qualifications as required by Washington state statute and rules. Certification of persons credentialled out-of-state through grandfathering provisions whereby proof of education, supervised practice experience, and/or examination was not required, is not considered substantially equal.

WSR 88-05-064
EMERGENCY RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Order PM 709—Filed February 17, 1988]

Be it resolved by the state of Washington Board of Registration for Professional Engineers and Land Surveyors, acting at Seattle, Washington, that it does adopt the annexed rules relating to the organization of the Board of Registration for Professional Engineers and Land Surveyors; the chief executive of the board (WAC 196-04-030); Applications (WAC 196-12-010, 196-12-085, 196-16-007 and 196-20-010).

We, the Board of Registration for Professional Engineers and Land Surveyors, 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 has been without the services of a registrar for approximately sixteen months, and a dispute exists between the board and the Department of Licensing over who hires the registrar; who directs employee activities and the status of the relationship between the board and the Department of Licensing. These rules implement the legal opinion given by the attorney general in 1986 AGO No. 14.

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

This rule is promulgated pursuant to RCW 18.43.035 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the state of Washington Board of Registration for Professional Engineers and Land Surveyors as authorized in RCW 18.43.035.

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

APPROVED AND ADOPTED February 16, 1988.

By Willard R. Notestine

Acting Registrar

NEW SECTION

WAC 196-04-025 BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, POWERS AND DUTIES. (1) Pursuant to RCW 18.43.035, the Board of Registration for Professional Engineers and Land Surveyors shall have the following powers and duties incidental to its regulation of professional engineers, engineers-in-training, and professional land surveyors. Such powers shall include, but not be necessarily limited to, the following:

(a) The board shall have the exclusive power to hire its registrar, subject to the provisions of ch. 41.06 RCW. The board shall also have the exclusive power to review the performance of its registrar, subject to the provisions of ch. 41.06 RCW, on a regular basis, but in any event at least once every twelve months.

(b) The board or its registrar shall hire, subject to the provisions of ch. 41.06 RCW, such other employees as may be necessary to carry out its responsibilities under the law.

(c) The board and its registrar shall prepare its operating budget in a manner consistent with state law and any applicable rules, procedures and guidelines from the Office of Financial Management. Consistent with rules, policies and/or guidelines of the Office of Financial Management, the board shall also oversee the spending of budgeted funds for budgeted board tasks.

(d) The board shall determine the physical location of its files, papers, records and other equipment used by the board to implement its responsibilities under ch. 18.43 RCW.

(e) The board shall determine the appropriate form and content of all forms and correspondence used by the board, pursuant to its duties under ch. 18.43 RCW.

(f) The board shall be responsible for all aspects of any examination which the board is required or authorized to administer under ch. 18.43 RCW.

(g) The board may designate an official mailing address for official correspondence directed to the board, its registrar or any other board employee.

(h) The board may contract with the department of licensing for any services required to be provided by the board under ch. 18.43 RCW.

AMENDATORY SECTION (Amending Order PL 512, filed 1/31/85)

WAC 196-04-030 CHIEF EXECUTIVE OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS—DUTIES, QUALIFICATIONS. (1) The chief executive of

the staff of the board of registration for professional engineers and land surveyors, (~~hereinafter~~) referred to in this chapter as the "registrar," shall have the following duties:

(a) Setting policy, supervising and directing all work-related activities of board employees including but not limited to (~~for the daily~~) clerical work of receiving and processing applications, complaints, investigations and general correspondence;

(b) Reviewing the performance of all board employees, who shall be under the direction and control of the registrar. Such review shall be in accordance with the provisions of ch. 41.06 RCW, and any rules adopted thereto, and shall be performed on a regular basis, but at least once every year.

(c) Overseeing the examination and grading process, including personnel and site selection;

~~((c))~~ (d) Directing investigations of violations or alleged violations of all laws applicable to the practice of professional engineering or land surveying;

~~((d))~~ (e) Directing the preparation of the board's budget and the monitoring of expenditures;

~~((e))~~ (f) Scheduling, preparation and minute-keeping of board meetings;

~~((f))~~ (g) Maintaining liaison with other state board of engineering examiners in order to be conversant with the laws, policies and procedures of other states, so as to facilitate reciprocity provisions of chapter 18.43 RCW;

~~((g))~~ (h) Performing other duties, as may from time to time be required; (~~and~~)

~~((h))~~ (i) Making the initial review of all applications, renewals and other general correspondence received by the board; and

(j) Performing duties requested by the board.

(2) The registrar of the state board of registration for professional engineers and land surveyors shall possess the following minimum qualifications:

(a) Said registrar shall hold a valid registration, issued pursuant to chapter 18.43 RCW, as a professional engineer in the state of Washington.

(b) Said registrar shall possess at least three years of supervisory experience satisfactory to the board.

(3) Said registrar shall report solely and directly to the board, and all board employees shall report solely to the registrar of the board.

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 PM 606, filed 6/4/87)

WAC 196-12-010 APPLICATIONS. All applications shall be sent to the registrar of the board, at the board's official address, on forms provided by the board. The deadline for receipt of applications properly filled out and accompanied by the application fee is four months before the date of the examination. Verification of the applicant's claimed experience must be in the board office three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Lack of

verification of experience will also cause the application to be held for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the next examination which they intend to take. An entire application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the previous examination. However, a new application is required every five years, after board approval of the initial application, to reactivate an application or maintain examination eligibility.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-12-085 CORPORATION OR JOINT STOCK ASSOCIATIONS. Corporations or joint stock associations shall file with the registrar at the board's official address: (1) A letter of application containing a brief statement of the corporation's origin, activities, and principals. Said letter should also state the type, or types, of engineering practiced, or to be practiced by such corporation. Type or types are limited to the branches currently being issued by the board. Applications shall be signed and attested by a corporate officer.

(2) The application for certificate of authorization shall state the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and state the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington.

(3) A certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: PROVIDED, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract. The designated engineer responsible for the practice of engineering by said corporation shall be a full-time employee of the corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be the designated engineer at more than one place of business or one company at any one time.

(4) A designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. The engineers in charge of major branch or project shall be full-time employees of the

corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be an engineer in charge of branch or project at more than one place of business or company at any one time. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes.

(5) A certified copy of the section of the bylaws of the corporation containing provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the designated engineer in responsible charge named in the resolution of the board of directors.

(6) A current certified financial statement accurately reflecting the financial condition of the corporation. Certification shall be by an officer of the corporation or a public accountant.

(7) The professional records of the designated person or persons under (3) above who shall be in responsible charge of all the engineering activities of the corporation.

(8) A copy of the articles of incorporation as filed with the secretary of state for the state of Washington and bearing his acceptance stamp.

(9) A copy of the corporation bylaws and any revisions to the bylaws, that may affect the ability of the designated engineer to make all engineering decisions as set forth in (5) above.

(10) In the case of change or increase in the engineers named as being in responsible charge (subsection (3) above), a certified copy of a resolution of the board of directors of the corporation which shall designate said person or persons shall be filed with the board within thirty days after the effective date of such changes. The professional history of newly named engineers will also be required.

(11) Application fee as determined by the director of the department of licensing.

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 PM 606, filed 6/4/87)

WAC 196-16-007 APPLICATIONS. All applications must be filed with the registrar at the board's official address. The deadline for receipt of a properly completed application accompanied by the required application fee is four months prior to the date of the examination. Response from applicant's references must be in hand three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Late responses from references will also cause the application to be held for consideration for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing

three months before the examination which they intend to take. A new application is not required where an applicant has taken the previous examination and failed or has filed and failed to appear for the previous examination. However, a new complete application is required every five years after approval by the board until registration in Washington state is obtained.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-20-010 APPLICATIONS. All applications must be filed with the registrar at the board's official address. The deadline for properly completed applications accompanied by the statutory fee is four months prior to the date of the examination. Applications received after the deadline will be held for consideration for a later examination.

Official transcripts of college record, if not attached to the application, shall be forwarded to the board office as soon as they are available.

WSR 88-05-065
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Filed February 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning 1988 spring bear season, adopting WAC 232-28-711;

that the agency will at 9:00 a.m., Tuesday, March 22, 1988, by a telephone conference call at the Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, conduct a public hearing on the proposed rules. Meeting will be in director's office where public can listen to conference call and provide public input.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 22, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1988.

Dated: February 12, 1988

By: Jack L. Smith, Chief
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-711
 1988 spring bear season.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement:
 RCW 77.12.040.

Summary of the Rule: A spring bear season will be adopted on lands within the external boundaries of the

Colville Indian Reservation notwithstanding the provisions of WAC 232-12-24401. The bear season will be April 22 to May 15, 1988. A total of 50 permits will be issued by the Colville Indian Tribe for hunting black bear within the external boundaries of the Colville Reservation. Hunters desiring to participate on deeded lands must have a valid Washington hunting license, primary bear tag and hound stamp if dogs are used. The bag limit is one bear of either sex.

Reasons Supporting the Proposed Rule: The Colville Tribe has experienced severe bear damage problems in recent years and the proposed season is designed to solve damage problems.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: No comments.

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

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

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-711 1988 SPRING BEAR SEASON

Colville Indian Reservation

Spring Season (Primary Bear Tag Valid):

April 22 to May 15, 1988, within the external boundaries of the Colville Indian Reservation.

Bag Limit: One bear

A HOUND STAMP is required to hunt bear and other wild animals with a dog.

PRIMARY BEAR TAG: Only one may be purchased and the number will be recorded on the hunting license. This is the only tag which may be used during the fall general season.

TOOTH SUBMITTAL

Each hunter who takes a bear must submit the small premolar tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Wildlife Regional Offices.

that the agency will at 2:30 p.m., Tuesday, March 22, 1988, in Room 131, Abbott Raphael Hall, Department of Ecology, 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 May 3, 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 March 29, 1988.

Dated: February 17, 1988

By: Phillip C. Johnson

Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-3501 Bonney Lake, 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: The amendment adopts revisions to the shoreline master program for the city of Bonney Lake.

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: Peter Skowlund, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6762.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3501 BONNEY LAKE, CITY OF. City of Bonney Lake master program approved August 6, 1975. Revision approved May 3, 1988.

WSR 88-05-066
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 17, 1988]

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 Bonney Lake, city of, amending WAC 173-19-3501;

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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-142	NEW	88-05-015	16-602-005	NEW-P	88-03-058	44-10-230	NEW-P	88-03-063
16-28-010	REP	88-05-003	16-602-010	AMD-P	88-03-058	44-10-230	NEW-E	88-03-064
16-28-020	REP	88-05-003	16-602-020	AMD-P	88-03-058	44-10-240	NEW-P	88-03-063
16-28-030	REP	88-05-003	16-602-030	AMD-P	88-03-058	44-10-240	NEW-E	88-03-064
16-28-040	REP	88-05-003	16-750-001	NEW-P	88-03-057	67-10-020	AMD-P	88-04-016
16-28-050	REP	88-05-003	16-750-001	NEW-E	88-03-059	67-10-030	AMD-P	88-04-016
16-28-060	REP	88-05-003	16-750-005	NEW-P	88-03-057	67-10-040	AMD-P	88-04-016
16-28-069	REP	88-05-003	16-750-005	NEW-E	88-03-059	67-10-060	AMD-P	88-04-016
16-28-070	REP	88-05-003	16-750-010	REP-P	88-03-057	67-25-120	AMD-P	88-04-016
16-28-080	REP	88-05-003	16-750-010	REP-E	88-03-059	67-25-400	AMD-P	88-04-016
16-28-090	REP	88-05-003	16-750-011	NEW-P	88-03-057	67-25-404	AMD-P	88-04-016
16-30	AMD	88-05-003	16-750-011	NEW-E	88-03-059	67-25-570	AMD-P	88-04-016
16-30-010	AMD	88-05-003	16-750-015	NEW-P	88-03-057	98-11-005	NEW-P	88-03-062
16-30-020	AMD	88-05-003	16-750-015	NEW-E	88-03-059	98-40-050	AMD-P	88-03-062
16-30-030	AMD	88-05-003	16-750-900	NEW-P	88-03-057	113-12-200	AMD-P	88-05-058
16-30-040	AMD	88-05-003	16-750-900	NEW-E	88-03-059	132F-120-090	AMD-P	88-03-044
16-30-050	AMD	88-05-003	16-752-001	AMD	88-04-044	132H-200-200	NEW-P	88-04-059
16-30-060	AMD	88-05-003	16-752-115	NEW	88-04-044	132I-14-010	REP-P	88-03-047
16-30-070	AMD	88-05-003	16-752-120	NEW	88-04-044	132I-14-020	REP-P	88-03-047
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