

APRIL 20, 1988

OLYMPIA, WASHINGTON

ISSUE 88-08



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CITATION

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

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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 April 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 percent (12%) for the second calendar quarter of 1988.

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to RCW 34.08.020. Subscription rate is \$161.70 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

Changes of address notices, subscription orders, and undelivered copies should be sent to:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

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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		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
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87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988
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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
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88-06	Feb 3	Feb 17	Mar 2	Mar 16	Apr 5
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88-09	Mar 23	Apr 6	Apr 20	May 4	May 24
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88-12	May 4	May 18	Jun 1	Jun 15	Jul 5
88-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
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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 88-07-122
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Filed March 23, 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 IMR program and reimbursement system, amending chapter 275-38 WAC;

that the agency will at 10:00 a.m., Tuesday, May 26, 1988, in the Auditorium, Office Building 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 May 26, 1988.

The authority under which these rules are proposed is RCW 74.09.120.

The specific statute these rules are intended to implement is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 26, 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 Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 12, 1988. The meeting site is in a location which is barrier free.

Dated: March 23, 1988

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amend Chapter 275-38 WAC.

Purpose of this Rule Change: To require contractors to give the department sixty days notice of contract termination for any reason rather than the previous thirty day notice; allow the department to estimate the amount owed to the state by a terminating contractor and to withhold that amount from payments due the contractor, accept other forms of security, or file a lien against real property, if payments and other forms of security are not sufficient; provide contractors be notified within 120 days after a cost report is filed whether the contractor will be audited by the department and that such audits will be completed within 1 year for nonstate contractors and within 3 years for state facilities; change the record retention period for both the department and contractors, including records for trust fund, from 3 years to 5 years; limit allowable costs where travel is involved to include travel only within Washington, Oregon, Idaho, and the

Province of British Columbia; include indirect and overhead costs related to general management and central offices in any limits applied to the total cost of such services; eliminate the requirement for advance disclosure by contractors and approval by the department of joint facility costs; allow nonprofit corporations to retain interest earned on certain unrestricted donations rather than reducing their allowable costs by the interest; eliminate legal/consultant costs in connection with an action taken against the department as an allowable expense; expand the scope of the department's desk review of annual cost reports to include exemption profiling and so the department can use desk reviewed data as it deems necessary; change the rate methodology for computing the rate for resident care and habilitation so that it is based on the contractor's actual prior year's costs (desk reviewed) rather than certain staff hours worked being multiplied by \$7.29 per hour; change the rate of return for the return on equity rate calculation from 12% to the December 31 prior year's Medicare rate of return; add the provision for receivership; delete the existing provision that contractors may appeal their reimbursement rate at any time and added a provision that contractors may appeal their reimbursement rate if certain conditions are met such as being required for license, certification, as a result of survey, or for program changes required by the department; change the administrative review process so that appeals made for audit findings and issues are directed to the director of the audit division rather than the director of the division of developmental disabilities; and make other changes for definitions and clarification of current rules.

Reason this Rule Change is Necessary: To bring our current rules into compliance with federal Medicaid rules; and make our rules reflective of current audit practices and timeframes, consistent with regulatory changes regarding the recovery of overpayments due to the state.

Statutory Authority: RCW 74.09.120.

Summary of the Rule Change: To make our rules consistent with legislative funding levels and generally consistent with current nursing home rules which serve as a model for intermediate care facilities for the mentally retarded reimbursement program.

Person Responsible for Drafting, Implementation, and Enforcement of the Rule: Corki Hirsch, Residential Reimbursement Program Manager, Division of Developmental Disabilities, Department of Social and Health Services, phone (206) 753-4449, Mailstop OB-42C, Olympia, Washington 98504.

Person or Organization Other than DSHS who Proposed These Rules: None.

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

AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

WAC 275-38-001 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accrual method of accounting" - A method of accounting where revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period incurred, regardless of when paid.

(2) "Active treatment in institutions for the mentally retarded" requires the following:

(a) The individual's regular participation, in accordance with an individual habilitation plan, in professionally developed and supervised activities, experiences, or therapies.

(b) A written individual habilitation plan setting forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences, or therapies necessary for the individual to reach the goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level he or she can presently or potentially achieve.

(c) An interdisciplinary professional evaluation:

(i) Completed, for a recipient, before admission to the institution but not more than three months before, and for an individual applying for Medicaid after admission, before the institution requests payment;

(ii) Consisting of complete medical, social, psychological diagnosis and evaluations, and an evaluation of the individual's need for institutional care; and

(iii) Made by a physician, a social worker, and other professionals, at least one of whom is a qualified mental retardation professional.

(d) Reevaluation medically, socially, and psychologically at least annually by the staff involved in carrying out the resident's individual plan of care. The reevaluation must include review of the individual's progress toward meeting the plan objectives, the appropriateness of the individual plan of care, assessment of his or her continuing need for institutional care, and consideration of alternate methods of care.

(e) An individual post-institutionalization plan, as part of the individual plan of care, developed before discharge by a qualified mental retardation professional and other appropriate professionals.

(3) "Administration and management" - Activities employed to maintain, control, and evaluate the efforts and resources of a facility or organization for the accomplishment of the objectives and policies of that facility or organization.

(4) "Allowable costs" - See WAC 275-38-680.

~~((4))~~ (5) "Appraisal" - The process of establishing the fair market value or reconstruction of the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American Institute of Real Estate Appraisers as a member, appraisal institute (MAI), or by the Society of Real Estate Appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). The process includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

~~((5))~~ (6) "Arm's-length transaction" - A transaction resulting from good-faith bargaining between a buyer and seller ~~(- where neither party is legally related to the other party by blood or under law, and having))~~ who have adverse positions in the market place. Sales or exchanges of IMR or nursing home facilities among two or more parties where all parties subsequently continue to own one or more of the facilities involved in the transaction shall not be considered arm's-length transactions. Sale of an IMR facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction for purposes of chapter 275-38 WAC.

~~((6))~~ (7) "Assets" - Economic resources of the contractor, recognized, and measured in conformity with generally accepted accounting principles. Assets also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles. The value of assets acquired in a change of ownership entered into after September 30, 1984, shall not exceed the acquisition cost of the owner of record as of July 18, 1984.

~~((7))~~ (8) "Bad debts" - Amounts considered to be uncollectable from accounts and notes receivable.

~~((8))~~ (9) "Beds" - Unless otherwise specified, the number of set-up beds in the IMR facility, not to exceed the number of licensed beds.

~~((9))~~ (10) "Beneficial owner" - Any person:

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

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

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

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or

device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection ~~((9))~~ (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

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

(ii) Through the conversion of an ownership interest;

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

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

Except, any person acquiring an ownership interest or power specified in subsection ~~((9))~~ (10)(c)(i), (ii), or (iii) of this section ~~((with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition))~~ shall be deemed to be the beneficial owner of the ownership interest acquired through the exercise or conversion of such ownership interest or power.

(d) Any person who in the ordinary course of business ~~((having))~~ is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest ~~((until))~~ except under the following conditions:

(i) The pledgee ~~((has taken))~~ shall take all formal steps necessary and be required to:

(A) Declare a default and determine the power to vote; or ~~((to))~~

(B) Direct the vote; or ~~((to))~~

(C) Dispose or ~~((to))~~ direct the disposition of how such pledged ownership interest will be exercised ~~((- PROVIDED, That (i))~~; and

(ii) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including any transaction with persons ((meeting)) who meet the conditions set forth in subsection ~~((9))~~ (10)(b) of this section; and

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

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

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement where credit is extended and where the pledgee is a broker or dealer.

~~((10))~~ (11) "Boarding home" - Means any home or other institution licensed in accordance with chapter 18.20 RCW.

~~((11))~~ (12) "Capitalization" - The recording of an expenditure as an asset.

~~((12))~~ (13) "Capitalized lease" - A lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

~~((13))~~ (14) "Cash method of accounting" - A method of accounting where revenues are recognized only when cash is received, and expenditures are expensed, and asset items are not recorded until cash is disbursed.

~~((14))~~ (15) "Change of ownership" - A change in the individual or legal organization responsible for the daily operation of an IMR facility.

(a) Events changing ownership include but are not limited to the following:

(i) The form of legal organization of the owner is changed (such as a sole proprietor forms a partnership or corporation);

(ii) Title to the IMR enterprise is transferred by the contractor to another party;

(iii) The IMR facility is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs dissolving the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following occurs:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, (i.e., subject to the contractor's general approval of daily operating decisions);

(ii) If the contractor is a corporation, some or all of ~~((the corporation's))~~ its stock is transferred.

~~((15))~~ (16) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a resident.

~~((16))~~ (17) "Contract" – A contract between the department and a contractor for the delivery of IMR services to eligible Medicaid recipients ~~((in a facility and an entity responsible for operational decisions)).~~

~~((17))~~ (18) "Contractor" – An entity contracting with the department to deliver IMR services to eligible Medicaid recipients.

~~((18))~~ (19) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

~~((19))~~ (20) "CSO" – The local community services office of the department.

~~((20))~~ (21) "DDD" – The division of developmental disabilities of the department.

~~((21))~~ (22) "Department" – The department of social and health services (DSHS) and employees.

~~((22))~~ (23) "Depreciation" – The systematic distribution of the cost or other base of a tangible asset, less any salvage, over the estimated useful life of the asset.

~~((23))~~ (24) "Donated asset" – An asset the contractor acquired without making any payment in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

~~((24))~~ (25) "Entity" – An individual, partnership, corporation, public institution established by law, or any other association of individuals, capable of entering enforceable contracts.

~~((25))~~ (26) "Equity capital" – Total tangible and other assets necessary, ordinary, and related to ~~((patient))~~ resident care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

~~((26))~~ (27) "Facility" – A residential setting certified as an IMR by the department in accordance with federal regulations. A state facility is a state-owned and operated residential habilitation center. A nonstate facility is a residential setting ~~((which is not owned and operated by the state and which is))~~ licensed in accordance with chapter 18.51 RCW as a nursing home or chapter 18.20 RCW as a boarding home.

~~((27))~~ (28) "Fair market value" – The price the asset would have been purchased for on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

~~((28))~~ (29) "Financial statements" – Statements prepared and presented in conformity with generally accepted accounting principles and this chapter including, but not limited to, balance sheet, statements of operations, statements of changes in financial position, and related notes.

(30) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

~~((29))~~ (31) "Generally accepted accounting principles" – Accounting principles currently approved by the financial accounting standard board (FASB).

~~((30))~~ (32) "Generally accepted auditing standards" – Auditing standards approved by the American Institute of Certified Public Accountants (AICPA).

(33) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable ~~((and)),~~ tangible, and intangible assets acquired. Also, the excess of the price paid for an asset over fair market value.

~~((31))~~ (34) "Habilitative services" – Those services required by the individual habilitation plan provided or directed by qualified therapists.

~~((32))~~ (35) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

~~((33))~~ (36) "Imprest fund" – A fund regularly replenished in exactly the amount expended from the fund.

~~((34))~~ (37) "IMR" – When referring to a facility, one certified as an intermediate care facility for the mentally retarded by Title XIX to

provide services to the mentally retarded or persons with related conditions. When referring to a level of care, IMR is a range of services required for the mentally retarded or persons with related conditions. When referring to a person, a recipient requiring IMR services.

~~((35))~~ (38) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

~~((36))~~ (39) "Joint facility costs" – Any costs representing expenses incurred benefiting more than one facility, or one facility and any other entity.

~~((37))~~ (40) "Lease agreement" – A contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee shall not be considered modification of a lease term.

(41) "Levels of care" – The classification of levels of services provided to residents by a contractor, (e.g., levels A, B, C, D, and E).

~~((38))~~ (42) "Medicaid program" – The state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

~~((39))~~ (43) "Medical assistance recipient" – An individual determined eligible for medical assistance by the department for the services provided in chapter 74.09 RCW.

~~((40))~~ (44) "Modified accrual method of accounting" – A method of accounting in which revenues are recognized only when cash is received, and expenses are reported in the period in which incurred, regardless of when paid.

(45) "Net book value" – The historical cost of an asset less accumulated depreciation.

(46) "Nonallowable costs" – Same as "unallowable costs."

~~((41))~~ (47) "Nonrestricted funds" – Donated funds not restricted to a specific use by the donor, (e.g., general operating funds).

~~((42))~~ (48) "Nursing home" – A home, place, or institution, licensed in accordance with chapter 18.51 RCW, where skilled nursing, intermediate care, and/or IMR services are delivered.

~~((43))~~ (49) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((44))~~ (50) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

~~((45))~~ (51) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form such beneficial ownership takes.

~~((46))~~ (52) "Per diem (per resident day) costs" – Total allowable costs for a fiscal period divided by total resident days for the same period.

~~((47))~~ (53) "Prospective daily payment rate" – The daily amount ~~((assigned))~~ the department assigns to each contractor ~~((determined by the department to be reasonable to meet the costs of))~~ for providing services ~~((required by law if the contractor provides those services in an economical and efficient manner))~~ to IMR residents. ~~((Such a))~~ The rate is ~~((a budget for))~~ used to compute the maximum ~~((expenditures necessary to provide services required by law))~~ participation of the department in the contractor's costs.

~~((48))~~ (54) "Qualified mental retardation professional (QMRP)" – A therapist approved by the department having specialized training and one year's experience in working with the mentally retarded or developmentally disabled.

~~((49))~~ (55) "Qualified therapist" – Any of the following:

(a) An activities specialist having specialized education, training, or experience as specified by the department.

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience.

(c) A dental hygienist as defined by chapter 18.29 RCW.

(d) A dietitian: Eligible for registration by the American Dietetic Association under requirements in effect on January 17, 1974; or having a baccalaureate degree with major studies in food and nutrition,

dietetics, or food service management; having one year supervisory experience in the dietetic service of a health care institution; and participating annually in continuing dietetic education.

(e) An occupational therapist being a graduate of a program in occupational therapy, or having the equivalent of such education or training, and meeting all requirements of state law.

(f) A pharmacist as defined by chapter 18.64 RCW.

(g) A physical therapist as defined by chapter 18.74 RCW.

(h) A physician as defined by chapter 18.71 RCW or an osteopathic physician as defined by chapter 18.57 RCW.

(i) A psychologist as defined by chapter 18.83 RCW.

(j) A qualified mental retardation professional.

(k) A registered nurse as defined by chapter 18.88 RCW.

(l) A social worker who is a graduate of a school of social work.

(m) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience.

~~((50))~~ (56) "Recipient" – An eligible medical care recipient.

~~((51))~~ (57) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

~~((52))~~ (58) "Regional services" – Local office division of developmental disabilities.

~~((53))~~ (59) "Related organization" – An entity which is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if one entity has a five percent or greater ownership interest in the other, or if an entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

~~((54))~~ (60) "Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; stepparent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

~~((55))~~ (61) "Resident day" – A calendar day of resident care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the resident was admitted on the same day. A resident is admitted for purposes of this definition when he or she is assigned a bed and a resident record is opened.

~~((56))~~ (62) "Resident living staff (also known as resident care and training staff)" – Staff whose primary responsibility is the care and development of the residents, including:

(a) Resident activity program;

(b) Domiciliary services; and/or

(c) Habilitative services under the supervision of the QMRP.

~~((57))~~ (63) "Restricted fund" – A fund where the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the owner has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

~~((58))~~ (64) "Secretary" – The secretary of DSHS.

~~((59))~~ (65) "Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first resident is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

~~((60))~~ (66) "Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

~~((61))~~ (67) "Unallowable costs" – Costs not meeting every test of an allowable cost, as determined in WAC 275-38-680.

~~((62))~~ (68) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

~~((63))~~ (69) "Vendor number (also known as provider number)" – A number assigned to each contractor delivering IMR services to IMR Medicaid recipients.

~~((64))~~ (70) "Working capital" – Total current assets necessary, ordinary, and related to resident care as reported in the most recent cost report minus total current liabilities necessary, ordinary, and related to resident care from the most recent cost report.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-005 IMR CARE. (1) The department has the administrative and legal responsibility to purchase the services of an institution for the mentally retarded and persons with similar conditions (IMR), and IMR-based services for eligible developmentally disabled persons. The department has the responsibility to assure adequate care, service, and protection are provided through licensing and certification procedures.

(2) The intent of this chapter is to establish standards for habilitative training, health related care, supervision, and residential services to eligible persons.

(3) Each state and nonstate IMR facility shall be certified as a Title XIX IMR facility.

(4) Each nonstate IMR facility with a certified capacity of sixteen beds or more shall be ~~((certified and/or))~~ licensed as a nursing home in accordance with chapter 18.51 RCW.

(5) Each ~~((private))~~ nonstate IMR facility with a certified capacity of fifteen beds or less shall be licensed as a boarding home for the aged in accordance with chapter 18.20 RCW.

(6) Facilities certified to provide IMR services must comply with all applicable federal regulations under Title XIX, Section 1905 of the Social Security Act 42 U.S.C. as amended, as well as state regulations governing the licensing of nursing homes or boarding homes for the aged, and other relevant state regulations.

(7) The sections of this chapter will supersede and replace any and all sections affecting IMR facilities or programs in chapters 388-88 and 388-96 WAC except where specifically referenced in this chapter.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-520 PROJECTED BUDGET FOR NEW CONTRACTORS. (1) Unless a shorter period is approved by the division director, each new contractor shall submit a one-year projected budget to the department at least sixty days before the contract will become effective. For purposes of this section, a "new contractor" is one:

(a) Operating a new facility;

(b) Acquiring or assuming responsibility for operating an existing facility;

(c) Obtaining a certificate of need approval due to an addition to or renovation of a facility.

(2) The projected budget shall cover the twelve months immediately following the date the contractor will enter the program. The projected budget shall be prepared on forms and in accordance with instructions provided by the department, and shall include all earnest money, purchase, and lease agreements involved in the transaction.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-525 CHANGE OF OWNERSHIP. (1) On the effective date of a change of ownership, as defined in WAC 275-38-001, the department's contract with the former owner shall be terminated. The former owner shall give the department ~~((thirty))~~ sixty days written notice of such termination in accordance with the terms of the contract. When certificate of need is required for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need shall be obtained before the former owner submits a notice of termination.

(2) If the new contractor desires to participate in the cost-related reimbursement system, the contractor shall meet the conditions specified in WAC 275-38-515, and shall submit a projected budget in accordance with WAC 275-38-520 ~~((no later than sixty days before the date of the change of ownership))~~. The IMR contract with the new owner shall be effective as of the date of the change of ownership.

(3) A new contractor shall submit the following as a part of the projected budget:

(a) A statement disclosing the identity of all individuals and organizations having beneficial ownership interest in the current operating entity or in the land, building, or equipment of the facility; and

(b) The identity of individuals or organizations having beneficial ownership in the purchasing or leasing entity.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-530 TERMINATION OF CONTRACT. (1) When a contract is terminated for any reason, the former contractor shall ~~((submit final reports in accordance with WAC 275-38-575: Payment for care provided during the final thirty days of service under~~

a contract will be held until the contractor has filed a properly completed final annual report, and final settlement has been determined)) give the department sixty days written notice of such termination in accordance with the terms of the contract.

(2) ((Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor, after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with WAC 275-38-940, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor)) When a contractor terminates for any reason, the former contractor shall submit final reports in accordance with WAC 275-38-546.

(3) ((The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a reputable bonding company and acceptable to the department is filed by the contractor. The bond shall:

(a) Be in an amount equal to the released payment;

(b)) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The department shall base a reasonable estimate upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(4) Payments for one or more months for care provided under a contract will be held until the former contractor has filed a properly completed final annual cost report, and the final settlement has been determined. In lieu of the withheld payments, the former contractor may provide security, in a form acceptable to the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good-faith dispute. Security shall consist of:

(a) A surety bond issued by a bonding company acceptable to the department; or

(b) An assignment of funds to the department; or

(c) Collateral acceptable to the department; or

(d) A purchaser's assumption of liability for the prior contractor's overpayment; or

(e) Any combination of (4)(a), (b), (c), or (d) of this subsection.

(5) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good-faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies; PROVIDED, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute;

((c)) (d) Provide the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final ((annual)) cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the ((department's)) auditor(s); and

((d)) (e) Provide an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond((:)) and assignment. The bond or assignment or both shall be paid to the department ((in the event)) if the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

((4)) If a contract is terminated solely in order for the same owner to contract with the department to deliver IMR services to a different class of medical care recipients at the same IMR facility, the contractor is not required to submit final reports, and payment for the final thirty days will not be withheld.

((5)) (6) The department shall release any payment withheld as security if alternate security, acceptable to the department, is provided under subsection (4) of this section in an amount equivalent to determined and estimated overpayments.

(7) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state. The debt shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property. Such a lien claim has preference over the claims of all unsecured creditors.

(8) The contractor shall file a properly completed final cost report in accordance with the requirements of chapter 275-38 WAC, which may be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process (including any administrative review of the audit requested by the contractor) or within twelve months if audit is not performed.

(9) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with WAC 275-38-886, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(10) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(11) The department may accept an assignment of funds if the assignment meets the requirements of subsection (4) of this section.

(12) When a contract is terminated, any accumulated liabilities assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-535 DUE DATES FOR REPORTS. (1) Nonstate facilities' annual cost reports for a calendar year shall be submitted by March ((31st)) 31 of the following year.

(2) State facilities' annual cost reports for a fiscal year shall be submitted by December ((31st)) 31 of that year.

(3) If a contract is terminated for any reason, the former owner shall submit a final cost report, in addition to any reports due under subsection (1) of this section, within one hundred twenty days after the effective date of termination for the period January 1 of the year of termination through the effective date of termination.

(4) A new contractor shall submit, by March 31 of the following year, a cost report for the period from the effective date of the contract through December 31 of the year the contract was made effective, unless an exception is granted by the division director.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-540 REQUESTS FOR EXTENSIONS. (1) The department, upon a written request setting forth reasons for the necessity of an extension, may grant ((a thirty day extension of time)) two extensions of up to thirty days each for filing any required report, if the written request is received at least ten days prior to the ((expiration)) due dates of the ((relevant time period)) reports.

(2) Extensions shall be granted only if the circumstances stated clearly indicate the due date cannot be met and the circumstances were not foreseeable by the contractor.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-545 REPORTS. (1) ((In order for a contractor to receive payments under the cost-related reimbursement system for providing care to IMR residents, an annual report based on the contractor's fiscal year shall be submitted to the department)) Each non-state contractor shall submit to the department an annual cost report for the period from January 1 through December 31 of the preceding year.

(2) Each ((contractor's fiscal year for federal tax and cost reporting purposes shall coincide with the calendar year, except for state-owned and operated IMR facilities whose reporting form shall coincide with the facility's)) state facility shall submit to the department an annual cost report for the period from July 1 of the preceding year through June 30 of the current year, i.e., state fiscal year.

NEW SECTIONWAC 275-38-546 FAILURE TO SUBMIT FINAL REPORTS.

(1) If a contract is terminated, the former contractor shall submit a final report as required by WAC 275-38-530(2) and 275-38-535(3). The former contractor shall submit final reports to the department within one hundred twenty days after the contract is terminated or prior to the expiration of any department-approved extension granted pursuant to WAC 388-96-107. When the contractor fails to submit a final report, all payments made to the contractor relating to the period for which a report has not been received shall be a debt owed to the department. The contractor shall refund the amount due to the department within thirty days after receiving written demand from the department.

(2) Effective thirty days after written demand for the payment is received by the contractor, interest will begin to accrue on any unpaid balance at the rate of one percent per month.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-550 IMPROPERLY COMPLETED OR LATE REPORTS. (1) For 1981 and subsequent annual cost reporting periods, contractors shall submit an annual report, including the proposed settlement computed by cost center pursuant to WAC ((275-38-630)) 275-38-886, ((must be completed)) in accordance with ((applicable statutes)) chapter 275-38 WAC, departmental regulations and instructions. The department may return an annual cost report deficient in any of these respects ((may be returned)) in whole or in part to the contractor for proper completion. Submit annual reports ((must be submitted)) by the due date determined in accordance with WAC 275-38-535.

~~(2) ((For purposes of establishing rates effective July 1, 1982, if a contractor has not corrected errors in an annual cost report, including the proposed settlement, according to subsection (1) of this section by May 15, 1982, such report shall be excluded from computation of the redistribution pool established pursuant to WAC 275-38-855(5) and the contractor shall be subject to the provisions of subsection (3) of this section.~~

~~(3)) If a ((report is)) the department does not receive properly completed ((or is not received by the department)) report on or before the due date of the report, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the improperly completed or delinquent report is properly completed and received by the department.~~

AMENDATORY SECTION (Amending Order 2412, filed 8/21/86)

WAC 275-38-555 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible and reproducible. ~~((It is recommended)) All entries shall be ((typed or)) in black or dark blue ink or provided in an acceptable, indelible copy.~~

(2) Contractors shall complete reports ~~((shall be completed))~~ in accordance with instructions provided by the department. If no specific instruction covers a situation, follow generally accepted accounting principles ((shall be followed)).

(3) Contractors shall use the accrual method of accounting ~~((shall be used)), except for governmental institutions operated on a modified accrual method of accounting((,- data based on this method of accounting will be acceptable)).~~ Reverse all revenue and expense accruals ~~((shall be reversed))~~ against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy ~~((is))~~ and generally accepted accounting principles are followed.

(4) Contractor shall consistently apply methods of allocating costs, including indirect or overhead costs. ~~((Written approval must be obtained from the department if a contractor wishes to change an allocation method:))~~ Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs ~~((using the methods approved by the department under WAC 275-38-735))~~ in accordance with benefits received from the resources represented by those costs.

(5) The contractor shall maintain records relating to an IMR so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the

contractor shall provide to the department a written schedule specifying the way in which the contractor's individual account numbers correspond to the department's chart of accounts. Contractors shall make records available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes or fails to allow inspection of such records by authorized personnel as provided in the contractor's IMR contract, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to the contractor's IMR contract.

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 1853, filed 8/3/82)

WAC 275-38-560 CERTIFICATION REQUIREMENT. Each required report shall be accompanied by a certification signed on behalf of the contractor responsible to the department during the report period. If the contractor files a federal income tax return, the certification shall be executed by the person normally signing this return. The certification shall also be signed by the ~~((licensed))~~ administrator of the IMR facility. If the report is prepared by someone other than an employee of the contractor, include a separate statement ~~((shall be included))~~ with the certification signed by the individual preparing the report and indicating his or her status with the contractor. Submit only the original signature of the certification of the cost report.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-565 REPORTS—FALSE INFORMATION. (1) If a contractor knowingly or with reason to know files a report containing false information, such action constitutes cause for termination of the contractor's contract with the department.

(2) Adjustments to reimbursement rates required because a false report was filed will be made in accordance with WAC ~~((275-38-885))~~ 275-38-900.

(3) Contractors filing false reports may be referred for prosecution under applicable statutes.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-570 AMENDMENTS TO REPORTS. (1) For purposes of determining allowable costs for computing ((settlements)) a final settlement, the department shall consider an amendment to an annual report ((shall be)) only if filed ((if significant errors or omissions are discovered prior to the commencement of)) by the contractor before receipt of notification scheduling the department's field audit. If no audit is conducted by the department and the preliminary settlement report becomes the final settlement report, the department shall consider an amendment to an annual report only if filed within thirty days after the contractor receives the final settlement report for which no audit has been conducted. For only the purpose of adjusting reimbursement rates for errors or omissions, the contractor may file an amendment subsequent to notification scheduling the department's field audit pursuant to the provision of WAC 275-38-900. A contractor may file an amendment and the department can consider it only if the errors or omissions are significant. Errors or omissions shall be deemed "significant" if errors or omissions would mean a net difference of two cents or more per resident day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only pages where changes are required need to be filed, together with the certification required by WAC 275-38-560. Adjustments to reimbursement rates resulting from an amended report will be made in accordance with WAC 275-38-885.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department may refuse to consider an amendment resulting in a more favorable settlement or rate to a contractor if the amendment is:

(a) Not the result of circumstances beyond the control of the contractor; or

(b) The result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. (~~Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 275-38-900, however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in subsection (2) of this section.~~)

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-585 REQUIREMENT FOR RETENTION OF REPORTS BY THE DEPARTMENT. The department (~~will~~) shall retain each required report for a period of (~~three~~) five years following the date the report was submitted. If at the end of (~~three~~) five years there are unresolved audit questions, the department shall retain the report (~~will be retained~~) until such questions are resolved.

NEW SECTION

WAC 275-38-586 REQUIREMENTS FOR RETENTION OF RECORDS BY THE CONTRACTOR. The contractor shall retain all records supporting the required reports for a period of five years subsequent to filing at a location in the state of Washington specified by the contractor. If at the end of five years there are unresolved audit questions, the records shall be retained until these questions are resolved. All such data shall be made available upon demand to authorized representatives of the department and of the United States Department of Health and Human Services. When a contract is terminated, final settlement shall not be made until accessibility to and preservation of the records within the state of Washington are assured.

AMENDATORY SECTION (Amending Order 2091, filed 4/10/84)

WAC 275-38-600 FIELD AUDITS. (1) The department shall field audit all cost reports for calendar year 1983 (~~shall be field audited by the department~~).

(2) The department may field audit cost reports for years subsequent to 1983 (~~may be field audited~~) by auditors employed by or under contract with the department. The department shall notify facilities selected for audit within one hundred twenty days after submission of a complete and correct cost report of the department's intent to audit. The department shall complete such audits within one year after notification of the department's intent to audit unless the contractor fails to allow access to records and documentation or otherwise prevents the audit from being completed in a timely manner.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-605 PREPARATION FOR AUDIT BY THE CONTRACTOR. (1) The department (~~will~~) shall normally notify the contractor at least (~~two weeks~~) ten working days in advance of a field audit.

(2) The contractor shall provide the auditors with access to the IMR and to all financial(~~;~~) and statistical records. These financial and statistical records shall include income tax returns relating to the cost report directly or indirectly, and work papers supporting the data in the cost report or relating to resident trust funds. Such records shall be made available at a location in the state of Washington specified by the contractor(~~, as agreed by the department~~).

(3) The contractor shall reconcile reported data with applicable federal income and payroll tax returns and with the financial statement as of the end of the period covered by the report. Such reconciliation shall be in suitable form for verification by the auditors.

(4) The contractor shall designate and make available one or more individuals familiar with the internal operations of a facility being audited in order to respond to questions and requests for information and documentation from the auditors. If the individual or individuals designated cannot answer all questions and respond to all requests, an alternative individual with sufficient knowledge and access to records and information must be provided by the contractor.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-610 SCOPE OF FIELD AUDITS. (1) Auditors (~~will~~) shall review the contractor's (~~record-keeping~~) record keeping

and accounting practices and, where appropriate, make written recommendations for improvements.

(2) Auditors (~~will~~) shall examine the contractor's financial and statistical records to verify:

(a) Supporting records are in agreement with reported data; and
(b) Only assets, liabilities, and revenue and expense items the department has specified as allowable costs have been included by the contractor in computing the costs of services provided under the contract; and

(c) Allowable costs have been accurately determined and are (~~reasonable~~) necessary, ordinary, and related to resident care; and

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed; and

(e) Resident trust funds have been properly maintained.

(3) Auditors (~~will~~) shall prepare and provide draft audit narratives and summaries to the contractor before final narratives and summaries are prepared.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-615 INADEQUATE DOCUMENTATION. The auditors (~~will~~) shall disallow any assets, liabilities, revenues, or expenses reported as allowable (~~costs~~) which are not supported by adequate documentation in the contractor's financial records. Documentation must show:

(1) The costs were incurred during the period covered by the report and were related to resident care and training; and

(2) Assets reported were used in the provision of resident care and training.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-620 DEADLINE FOR COMPLETION OF AUDITS. (1) The department shall complete field audits (~~will be completed~~) within one year after a properly completed annual cost report is received (~~by the department~~) or within one year after an IMR facility is notified it has been selected for audit, provided field auditors are given timely access to the IMR facility and to all (~~financial and statistical~~) records necessary to audit the report.

(2) For state IMRs, the department shall complete field audits within three years after a properly completed cost report is received by the department, provided field auditors are given timely access to the facility and all records necessary to audit the report.

(3) The department (~~will~~) shall give priority to any field audits of final annual reports and whenever possible (~~will~~) shall begin such field audits within (~~sixty~~) ninety days after a properly completed final annual report is received.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-650 ACCOUNTING PROCEDURES FOR RESIDENT TRUST ACCOUNTS. (1) The provider shall maintain a subsidiary ledger with an account for each resident for whom the provider holds money in trust. Each account and related supporting information shall:

(a) Be maintained at the facility;

(b) Be kept current;

(c) Be balanced each month, and;

(d) Show in detail, with supporting verification, all moneys received on behalf of the individual resident and the disposition of all moneys so received.

(2) The contractor shall make each account (~~shall be~~) available for audit and inspection by a department representative and be (~~maintained~~) maintain such accounts for a minimum of (~~three~~) five years. The provider further agrees to notify the division of developmental disabilities, regional services office of the department when:

(a) The account of any individual certified on or before December 31, 1973, having an award letter limit of two hundred dollars cash, reaches the sum of one hundred seventy-five dollars.

The regional services office (~~will~~) shall re-evaluate the status of each recipient certified under the eligibility criteria prior to January 1, 1974, having an award letter specifying a two hundred dollar cash limit.

(b) The account of any individual certified on or after January 1, 1974, (~~having an award letter limit of~~) whose resources are within one (~~thousand five~~) hundred dollars(~~, reaches the sum of one thousand four hundred fifty dollars~~) of the amount listed on the award letter.

(c) ~~((For both groups.))~~ The accumulation toward the limit under subsection (2)(a) or (b) of this section, after admission to the facility, is permitted only from savings from the clothing and personal incidentals allowance and other income the department specifically designates as exempt income from ~~((time-to-time))~~ time to time.

(d) No resident may overdraw his or her account ~~((may be overdrawn))~~ (show a debit balance). If a resident wants to spend an amount greater than in ~~((such resident's))~~ his or her trust account, the IMR may provide money from ~~((the IMR's))~~ its own funds ~~((and))~~. The IMR can collect the debt by installments from ~~((the))~~ that portion of the resident's allowance remaining at the end of each month. No interest may be charged to residents for such loans.

(3) ~~((In order to ensure the))~~ Resident trust accounts ~~((are))~~ may not be charged for services provided under the Title XIX program~~((;))~~. Any charge for medical services otherwise properly made to a resident's trust account must be supported by a written denial from the department.

(a) A request for additional equipment such as a walker, wheelchair or crutches must have a written denial from the department of social and health services before a resident's trust account can be charged.

(b) Except as otherwise provided below, a request for physical therapy, drugs, or other medical services must have a written denial from the ~~((local CSO))~~ department before a resident trust account can be charged.

A written denial from the ~~((local CSO))~~ department is not required when the pharmacist verifies a drug is not covered by the program (e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications such as vitamins, ~~((taxatives,))~~ nose drops, etc.). The pharmacist's notation to this effect is sufficient.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-655 TRUST MONEYS—IMPREST FUND. (1) The provider may maintain a petty cash fund originating from trust moneys of an amount reasonable and necessary for the size of the facility and the needs of the residents, not to exceed five hundred dollars. This petty cash fund shall be an imprest fund. The contractor shall deposit all moneys over and above the trust fund petty cash amount ~~((shall be deposited))~~ intact in a trust fund checking account, separate and apart from any other bank account(s) of the facility or other facilities.

(2) Cash deposits of resident allowances ~~((must))~~ shall be made intact to the trust account within one week from the time payment is received from the department, social security administration, or other payor.

(3) The contractor shall make any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, ~~((shall be made))~~ available for audit and inspection by a department representative, and shall be maintained by the IMR for not less than ~~((three))~~ five years.

(4) No service charges for such checking account shall be paid by resident trust moneys.

(5) The trust account per bank shall be reconciled monthly to the trust account per resident ledgers.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-660 TRUST MONEYS CONTROL OR DISBURSEMENT. The contractor shall hold trust moneys ~~((shall be held in trust))~~ and ~~((are))~~ not to be turned over to anyone other than:

(a) The resident or his or her guardian without the written consent of the resident,

(b) His or her designated agent as appointed by ~~((power-of-attorney))~~ power of attorney, or

(c) Appropriate department of social and health services personnel as designated by the DDD regional services administrator.

(1) Complete a receipt in duplicate when moneys are received ~~((a receipt should be filled out in duplicate))~~; give one copy ~~((should be given))~~ to the person making payment or deposit, and retain the other copy ~~((should be retained))~~ in the receipt book for easy reference.

(2) Residents shall endorse any checks received ~~((by residents must be endorsed by the resident))~~. Each resident receiving a check or state warrant is responsible for endorsement by his or her own signature. Only when the resident is incapable of signing his or her name may the provider assume the responsibility of securing the resident's mark "X" followed by the name of the resident and the signature of two witnesses.

(3) If both the general fund account and the trust fund account are at the same bank, deposit the trust portion of checks including care payments can be deposited directly to trust by including a trust account deposit slip for the correct amount with the checks and the general account deposit slip.

(4) The contractor shall credit the resident's trust account ledger sheet ~~((must be credited))~~ with the allowance received. This should be referenced with the receipt number and must be supported by a copy of the deposit slip (one copy for all deposits made).

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-667 ACCOUNTING UPON CHANGE OF OWNERSHIP. (1) Upon sale of the facility or other transfer of ownership, the ~~((facility must))~~ former contractor shall provide the new ~~((owner))~~ contractor with a written accounting, in accordance with generally accepted auditing ~~((procedures))~~ standards, of all ~~((patient))~~ resident funds being transferred, and obtain a written receipt for the funds from the new ~~((owner))~~ contractor.

(2) The facility ~~((must))~~ shall give each ~~((patient))~~ resident or representative a written accounting of any personal funds held by the facility before any transfer of ownership occurs.

(3) In the event of a disagreement with the accounting provided by the ~~((facility))~~ former contractor, the ~~((patient))~~ resident retains all rights and remedies provided under state law.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-680 ALLOWABLE COSTS. (1) Allowable costs are documented costs which are necessary, ordinary, and related to the provision of IMR services to IMR residents, and are not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if costs are of the nature and magnitude ~~((a))~~ which prudent and cost-conscious management would pay.

(2) Upon a request for a rate adjustment pursuant to WAC 275-38-900 or 275-38-906, costs previously audited and not disallowed are subject to review by the department pursuant to subsection (1) of this section.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-685 SUBSTANCE PREVAILS OVER FORM.

(1) In determining allowable costs, the substance of a transaction ~~((with))~~ shall prevail over the transaction's form. Accordingly, allowable costs ~~((with))~~ shall not include increased costs resulting from transactions or the application of accounting methods ~~((circumventing))~~ which circumvent the principles of the prospective cost-related reimbursement system.

(2) The department shall not allow increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale and leaseback, successive sales or leases of a single facility or piece of equipment) ~~((will not be allowed))~~.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-690 OFFSET OF MISCELLANEOUS REVENUES. (1) The contractor shall reduce allowable costs ~~((shall be reduced by the contractor))~~ whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for IMR services ~~((Except,))~~. The contractor shall not deduct unrestricted grants, gifts, endowments, and interest therefrom, ~~((will not be deducted))~~ from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, the amount of the reduction shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

(3) The department shall recover only allowable costs ~~((shall be recovered))~~ under this section. Costs allocable to activities or services not included in IMR services (e.g., costs of vending machines ~~((residents' personal laundry,))~~ and services specified in chapter 388-86 WAC which are not included in IMR services) are nonallowable costs.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-695 COSTS OF MEETING STANDARDS. All ~~((categories of))~~ necessary and ordinary expenses a contractor incurs

in providing IMR services meeting all applicable standards will be allowable costs. The expenses include necessary and ordinary costs of:

- (1) Meeting licensing and certification standards;
- (2) Fulfilling accounting and reporting requirements imposed by chapter 275-38 WAC; and
- (3) Performing any resident assessment activity required by the department.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-700 LIMIT ON COSTS TO RELATED ORGANIZATIONS. (1) The department shall allow costs applicable to services, facilities, and supplies furnished by organizations related to the contractor (~~shall be allowable~~) only to the extent:

- (a) The costs do not exceed the lower of the cost to the related organization; or
- (b) The price of comparable services, facilities, or supplies are purchased elsewhere. The term "related organization" is defined in WAC 275-38-001.

(2) Nonstate facilities shall make documentation of costs to related organizations (~~shall be made~~) available to the auditors at the time and place the financial records relating to the entity are audited. State facilities shall make documentation of costs to related organizations available to the auditors at the time the facility is audited at the department's offices of accounting services, financial recovery, or budget. The department shall disallow payments to or for the benefit of the related organization (~~will be disallowed~~) where the cost to the related organization cannot be documented.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-705 START-UP COSTS. The department shall allow necessary and ordinary start-up costs, as defined in WAC 275-38-001, (~~will be allowable if~~) in the administration and operations rate component. Start-up costs (~~are~~) shall be amortized over not less than sixty consecutive months beginning with the month the first resident is admitted for care.

NEW SECTION

WAC 275-38-706 ORGANIZATION COSTS. (1) The department shall allow necessary and ordinary costs (~~which are~~) directly incident to the creation of a corporation or other form of business of the contractor and that are incurred prior to the admission of the first resident(~~;~~). The department will (~~be allowable~~) allow these costs in the administration and operations cost area if they are amortized over not less than sixty consecutive months beginning with the month in which the first resident is admitted for care.

(2) Allowable organization costs include, but are not limited to, legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation. Organization costs do not include costs relating to the issuance and sale of shares of stock or other securities.

Reviser's note: The unnecessary underscoring and deletion marks in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-715 EDUCATION AND TRAINING. (1) The department shall allow ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training when directly related to the performance of duties assigned (~~will be allowable costs~~).

(2) Ordinary expenses of resident life staff training (~~with~~) pursuant to chapter 18.52A RCW shall be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers (~~with~~) shall be allowable costs. Expenses of training programs for other nonemployees (~~with~~) shall not be allowable costs.

(4) The department shall allow expenses for travel in the states of Idaho, Oregon, and Washington and the Province of British Columbia associated with education and training if the expenses meet the requirements of chapter 275-38 WAC.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-720 TOTAL COMPENSATION—OWNERS, RELATIVES, AND CERTAIN ADMINISTRATIVE PERSONNEL. For purposes of the tests in WAC 275-38-725 and 275-38-730, total compensation (~~includes~~) shall be as provided in the employment contract, including benefits, whether such contract is written, verbal, or inferred from the acts of the parties. In the absence of a contract, total compensation shall include gross salary or wages and fringe benefits (e.g., health insurance) made available to all employees but excludes payroll taxes paid by the contractor.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-725 OWNER OR RELATIVE—COMPENSATION. (1) The department shall limit total compensation of an owner or relative of an owner (~~shall be limited~~) to the ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if (~~the compensation~~) it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits set out in this chapter.

(b) A service is necessary if the service is related to resident care and training and would have had to be performed by another person if the owner or relative had not performed the service.

(2) The contractor, in maintaining customary time records adequate for audit, shall include such records for owners and relatives receiving compensation. Such records shall document compensated time was spent in provision of necessary services actually performed.

(3) For purposes of this section, if the contractor with the department is a corporation, "owner" includes all corporate officers and directors.

AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

WAC 275-38-745 ALLOWABLE INTEREST. (1) The department shall allow the contractor's necessary and ordinary interest for working capital and capital indebtedness (~~will be allowable~~).

(a) To be necessary, interest must be incurred in connection with a loan satisfying a financial need of the contractor and be for a purpose related to resident care and training. Interest expense relating to business opportunity or goodwill will not be allowed.

(b) To be ordinary, interest must be at a rate not in excess of what a prudent borrower would have to pay at the time of the loan in an arm's-length transaction in the money market.

(c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.

(d) Interest expense for assets acquired in a change of ownership entered into after September 30, 1984, shall be disallowed in proportion to the amount by which the loan principal for the acquired assets exceeds the original depreciation base of the owner of the assets as of July 18, 1984.

(2) Interest paid to or for the benefit of a related organization (~~with~~) shall be allowed only to the extent the actual interest does not exceed the cost to the related organization of obtaining the use of the funds.

(3) The contractor shall capitalize interest expense and loan origination fees relating to construction incurred during the period of construction. Such costs shall be amortized over the life of the asset from the date the first resident is admitted or the asset is put into service for resident care and training.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-750 OFFSET OF INTEREST INCOME. (1) In computing allowable costs, the contractor shall deduct interest income from the investment or lending of nonrestricted funds (~~shall be deducted~~) from allowable interest expense, except for a nonprofit facility.

(2) Interest income from the investment or lending of restricted funds shall not be deducted from allowable interest expense.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-770 CAPITALIZATION. The contractor shall capitalize the following costs (~~shall be capitalized~~):

(1) ~~((Expenses))~~ Expenditures and costs for equipment including furniture and furnishings, with historical cost in excess of one hundred fifty dollars per unit and a useful life of more than one year from the date of purchase.

(2) ~~((Expenses))~~ Expenditures and costs for equipment including furniture and furnishings, with historical cost of one hundred fifty dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or

(b) The item was part of the initial equipment or stock of the IMR facility.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the sum "five hundred dollars" replacing the sum "one hundred fifty dollars."

(4) Expenditures for and costs of building, and other real property items, components, and improvements and leasehold improvements, if required or authorized by the lease agreement, in excess of five hundred dollars and involving one or more of the following:

(a) Increase the interior floor space of the structure;

(b) Increase or renewal of paved areas outside the structure adjacent to or providing access to the structure;

(c) Modification of the exterior or interior walls of the structure;

(d) Installation of additional heating, cooling, electrical (~~(or)~~) water-related, or similar fixed equipment;

(e) ~~((Remodeling))~~ Landscaping or redecorating ((enhancing the value of the structure sufficiently to justify an increase in service charges to residents));

(f) Increase the useful life of the structure by two years or more;

(g) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with American hospital association guidelines.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-775 DEPRECIATION EXPENSE. Depreciation expense on depreciable assets required in the regular course of providing resident care and training (~~(with))~~ shall be an allowable cost. The depreciation expense shall be:

(1) Identifiable and recorded in the contractor's accounting records, and

(2) Computed using the depreciation base, lives and methods specified in chapter 275-38 WAC ((275-38-780)).

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-780 DEPRECIABLE ASSETS. (1) Tangible assets of the following types where a contractor has an economic interest through ownership are subject to depreciation:

(a) Building - The basic structure or shell and additions thereto.

(b) Building fixed equipment - Attachments to buildings, such as wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(i) Affixed to the building and not subject to transfer; and

(ii) ~~((An estimated))~~ A fairly long life ((longer than ten years)), but shorter than the life of the building where affixed.

(c) Major movable equipment - Such items as beds, wheelchairs, desks, and x-ray machines. The general characteristics of this equipment are:

(i) A relatively fixed location in the building;

(ii) Capable of being moved as distinguished from building equipment;

(iii) A unit cost sufficient to justify ledger control;

(iv) Sufficient size and identity to make control feasible by means of identification tags; and

(v) A minimum life of approximately three years. Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, this equipment shall be characterized by a minimum life of greater than one year.

(d) Minor equipment - Such items as waste baskets, bed pans, syringes, catheters, silverware, mops, and buckets properly capitalized. No depreciation shall be taken on items not properly capitalized (see WAC 275-38-770). The general characteristics of minor equipment are:

(i) In general, no fixed location and subject to use by various departments;

(ii) Small in size and unit cost;

(iii) Subject to inventory control;

(iv) Fairly large number in use; and

(v) Generally, a useful life of one to three years.

(e) Land improvements - Such items as paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, walls, etc., where replacement is the responsibility of the contractor.

(f) Leasehold improvements - Betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

(2) Land is not depreciable. The cost of land includes the cost of such items as off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor.

AMENDATORY SECTION (Amending Order 2312, filed 12/5/85)

WAC 275-38-785 DEPRECIATION BASE. (1) The depreciation base shall be the historical cost of the contractor in acquiring the asset from an unrelated organization and preparing depreciation base for use, less goodwill and less accumulated depreciation incurred during periods the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and WAC 275-38-790, 275-38-795, and 275-38-800. If the department challenges the historical cost of an asset or a contractor is not able to provide adequate documentation of the historical cost of an asset, the department may have the fair market value of the asset at the time of purchase established by appraisal. The fair market value of items of equipment will be established by appraisals performed by vendors of the particular type of equipment. When these appraisals are conducted, the depreciation base of the asset will not exceed fair market value. Estimated salvage value, if any, shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(5) Effective October 1, 1984, the depreciation base for assets acquired in a change of ownership entered into on or after July 18, 1984, shall not exceed the lower of the purchase price of the new owner or the acquisition cost base of the owner of the assets on or after July 18, 1984. Costs (including legal fees, accounting and administrative costs, travel costs, and the cost of feasibility studies) attributable to the negotiation or settlement of the assets acquired in the change of ownership, where any payment has previously been made by Title XIX, shall not be allowed.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-790 DEPRECIATION BASE—DONATED OR INHERITED ASSETS. (1) The depreciation base of donated assets, as defined in WAC 275-38-001, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death, less goodwill. Estimated salvage value, if any, shall be deducted from fair market value where the straight-line or sum-of-the-years digits method of depreciation is used; or

(b) ~~The ((depreciation base under the cost-related reimbursement program))~~ historical cost of the owner last contracting with the department, if any.

(2) If the donation or distribution is between related organizations, the base shall be the lesser of:

(a) Fair market value, less goodwill and, where appropriate, salvage value, or

(b) The depreciation base the related organization had or would have had for the asset under a contract with the department.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-800 METHODS OF DEPRECIATION. (1) Buildings, building improvements, land improvements, leasehold improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years digits method, or declining balance method not to exceed one hundred fifty percent of the straight-line rate. Contractors electing to take either the sum-of-the-years digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to resident care and training.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 275-38-785.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-812 HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS—OTHER PERIODS. (1) This section shall apply in the place of WAC 275-38-810 effective January 1, 1981, for purposes of settlement for settlement periods ((prior)) subsequent to that date, and for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-815 RECOVERY OF EXCESS OVER STRAIGHT-LINE DEPRECIATION. If a contractor terminates the contract without selling or otherwise retiring equipment which was depreciated using an accelerated method, depreciation schedules relating to these assets for periods the contractor participated in the IMR program shall be adjusted. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement which would have been paid for depreciation if the straight-line method had been used, ((with)) shall be recovered by the department.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-820 UNALLOWABLE COSTS. (1) Costs ((with)) shall be unallowable if not documented, necessary, ordinary, and related to the provision of services to IMR residents.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medicaid program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in resident contribution.

(b) Costs of services and items provided to IMR residents covered by the department's medical care program but not included in IMR services respectively. Items and services covered by the medical care program are listed in chapter 388-86 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 CFR) if the department found the capital expenditure was not consistent with applicable standards, criteria or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to resident care and training.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere.

(j) Bad debts.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and cost incurred to improve community or public relations.

(i) Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits, or other legal action against the department.

(ii) Travel expenses for members of trade association boards of directors, otherwise meeting the requirements of chapter 275-38 WAC, for more than twelve meetings per year.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except ((those)) items used in resident activity programs or in IMR programs where clothing is a part of routine care.

(r) Fund-raising expenses, except those directly related to the resident activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in residents' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services, except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to resident care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expenses related to vehicles in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to resident care.

(ee) Legal and consultant fees in connection with a fair hearing against the department, including but not limited to accounting services in preparation of administrative or judicial review, where ((a)) the final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review.

(ff) Legal and consultant fees in connection with a lawsuit against the department ((are nonallowable)), including appeals of administrative decision suits.

(gg) Lease acquisition costs and other intangibles not related to resident care and training.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(ii) Travel expenses outside the states of Idaho, Oregon, and Washington and the Province of British Columbia. However, travel to and from the home and central office of a chain organization operation will be allowed outside those areas if such travel is necessary, ordinary, and related to resident care and training.

(ij) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington and the Province of British Columbia.

(3) If a contractor provides goods or services not reimbursable under chapter 275-38 WAC, any material indirect or overhead costs must be

allocated to such goods or services and not be reported as an allowable cost.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-840 PROSPECTIVE REIMBURSEMENT RATE FOR NEW CONTRACTORS. (1) A prospective reimbursement rate for a new contractor ~~((with))~~ shall be established within sixty days following receipt by the department of a properly completed projected budget (see WAC 275-38-520). The reimbursement rate ~~((with))~~ shall be effective as of the effective date of the contract.

(2) The prospective reimbursement rate ~~((with))~~ shall be based on the contractor's projected cost of operations, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances taking into account applicable lids or maximums.

(3) If a properly completed projected budget is not received at least sixty days prior to the effective date of the contract, the department ~~((with))~~ shall establish a preliminary rate based on the other factors specified in subsection (2) of this section. The preliminary prospective rate ~~((with))~~ shall remain in effect until an initial prospective rate can be set.

(4) Where a change of ownership is involved which is not an arm's-length transaction as defined in WAC 275-38-001, the new contractor's prospective rates in the administration and operation and property cost areas ~~((with))~~ shall be no higher than the rates of the old contractor, adjusted if necessary to take into account economic trends.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-845 RATE DETERMINATION. (1) Each contractor's reimbursement rate ~~((with))~~ shall be determined prospectively ~~((at least))~~ once each calendar year to be effective July ~~((1st))~~ 1. Rates may be adjusted to take into legislative inflation adjustments or pursuant to WAC 275-38-900 or 275-38-906.

~~(2) ((Prospective reimbursement rates shall be determined utilizing the prior year's desk-reviewed cost reports, and/or other documents submitted by each contractor. Prospective rates shall include an adjustment for inflation in accordance with appropriations made by the state legislature as consistent with federal requirements for the period to be covered by such rates. The legislative inflation factors will be specified in division policy Directive 406)) If the contractor participated in the program for at least six months of the prior calendar year, its rates shall be based on the contractor's allowable costs in the prior period. If the contractor participated in the program for less than six months of the prior calendar year, its rates shall be based on its rate determined per WAC 275-38-840.~~

~~(3) ((Rates may be adjusted for:~~

~~(a) Changes approved by the department in staffing and/or consultant services at a facility in order to be in compliance with applicable state and federal laws, regulations, and quality and safety standards;~~

~~(b) Capital additions, improvements, or replacements made at a facility which are approved by the department as a condition of licensure or certification; or~~

~~(c) Department changes in program standards or services; or~~

~~(d) Administrative review conducted pursuant to WAC 275-38-900 or 275-38-960)) Contractors submitting correct and complete cost reports by March 31, shall be notified of their rates by July 1, unless circumstances beyond the control of the department interfere.~~

~~(4) ((Adjustments for cost changes not otherwise specified in subsection (3) of this section shall be provided by means of an inflation adjustment pursuant to subsection (2) of this section)) The department shall take data used in determining rates from the most recent, complete, desk-reviewed cost report submitted by the contractor.~~

~~(5) Data containing obvious errors shall be excluded from the determination of predicted costs, cost averages, and rate upper limits for WAC 275-38-870.~~

~~(6) Inflation factor adjustments shall be specified in division policy Directive 406.~~

AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

WAC 275-38-846 DESK REVIEW FOR RATE DETERMINATION. (1) The department shall analyze ~~((the submitted))~~ each cost report ~~((and financial statements of each contractor))~~ to determine if the information is correct, complete, and reported in conformity with generally accepted accounting principles, the requirements of

~~((this))~~ chapter 275-38 WAC, and such ~~((regulations))~~ rules and instructions issued by the department. An analysis by the department to determine whether reported information is correct and complete may include, but is not limited to:

~~(a) An examination of reported costs for prior years;~~

~~(b) An examination of desk review adjustments made in prior years and their final disposition; and~~

~~(c) An examination of findings, if any, from field audits of cost reports from prior years and findings, if any, from the field audit of the cost report under analysis.~~

~~(2) If it appears from the analysis ~~((finds the cost report or financial statements are))~~ a contractor has not correctly determined or reported its costs, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. The department shall provide a schedule of such adjustments ~~((shall be provided))~~ to contractors and shall include an explanation for the adjustment and the dollar amount ~~((of the adjustment))~~ for each adjustment made. Adjustments shall be subject to review and appeal as provided in ~~((this chapter))~~ subsection (2)(a) or (b) below.~~

~~(a) If a contractor believes an adjustment is in error, the adjustment shall be subject to review pursuant to WAC 275-38-900; and~~

~~(b) If a satisfactory resolution of issues is not reached between the contractor and the department, the adjustment shall be subject to further review pursuant to WAC 275-38-950 and 275-38-960.~~

~~(3) The department may accumulate data from properly completed cost reports for use in exception profiling and establishing rates.~~

~~(4) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as deemed necessary by the department.~~

AMENDATORY SECTION (Amending Order 2412, filed 8/21/86)

WAC 275-38-860 RESIDENT CARE AND HABILITATION COST CENTER RATE. (1) For C and D level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and habilitation cost center rate shall be ~~((determined as follows:~~

~~(a))~~ the facility's most recent desk-reviewed costs per resident day ~~((shall be))~~ adjusted for inflation ~~((except those costs for resident care and training (RCT) and recreation staff:~~

~~(b) RCT staff and recreation staff shall be determined by multiplying the number of reimbursed RCT and recreation staff hours per resident day reported in the facility's most recent cost report by the greater of seven dollars and twenty-nine cents or the most recent reported cost for RCT and recreation staff per reported hour.~~

~~(c) The amounts determined in subsections (3)(a) and (b) of this section shall be summed to establish the facility's rate)).~~

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-869 MANAGEMENT AGREEMENTS, MANAGEMENT FEES, ~~((AND))~~ CENTRAL OFFICE SERVICES, AND BOARD OF DIRECTORS. (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the IMR facility as agent of the contractor, a copy of the agreement must be ~~((received))~~ submitted by the ~~((department))~~ contractor at least ~~((ninety))~~ sixty days before the agreement is to become effective. A copy of any amendment to a management agreement must also be received by the department at least ~~((ninety))~~ thirty days in advance of the date the amendment is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement ~~((with))~~ shall be allowable. When necessary for the health and safety of facility residents, the ~~((ninety))~~ sixty-day notice requirement may be waived, in writing, by the department.

(2) Management fees ~~((with))~~ shall be allowed only if:

(a) A written management agreement both creates a principal and/or agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates the services contracted for were actually delivered.

~~((3))~~ (c) To be allowable, fees must be for necessary, nonduplicative services.

(3) The contractor shall limit allowable fees for general management services, including corporate or business entity management and board of director's fees and including the overhead and indirect costs associated with providing general ~~((the portion of a))~~ management ~~((fee not allocated to specific))~~ services ~~((such as accounting, are limited))~~ to:

(a) The maximum allowable compensation under WAC 275-38-868 of the licensed administrator and, if the facility has at least eighty set-up beds, of an assistant administrator; less

(b) Actual compensation received by the licensed administrator and by the assistant administrator, if any. In computing maximum allowable compensation under WAC 275-38-868 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed;

(c) For IMR facilities of fifteen or fewer beds, the maximum allowable compensation under WAC 275-38-868, less the actual compensation received by the QMRP.

(4) A management fee paid to or for the benefit of a related organization ~~((with))~~ shall be allowable to the extent the fee does not exceed the lesser of:

(a) The limits set out in subsection (3) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to resident care and training under the agreement, or the cost of comparable services purchased elsewhere.

Where costs to the related organization represents joint facility costs, the measurement of such costs shall comply with WAC 275-38-868.

(5) Central office ~~((joint facility))~~ costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, ~~((including))~~ shall include the ~~((portion of a))~~ overhead and indirect costs associated with providing general management expense not allocated to specific services~~((;))~~. Such costs shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(6) Necessary travel and housing expenses of nonresident staff working at a contractor's IMR facility are allowable costs if the visit does not exceed three weeks. Such costs in excess of three weeks shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(7) Bonuses paid to employees at a contractor's IMR facility are compensation. Bonuses paid to employees at a contractor's central office or otherwise not employed at the IMR facility, who are not engaged in nonmanagerial services such as accounting, are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(8) Fees paid to members of the board of directors of corporations operating IMR facilities shall be subject to the management fee limits determined in subsection (3) and (4) of this section.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-880 RETURN ON EQUITY. (1) The department will pay a return on equity to proprietary contractors.

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk-reviewed cost report utilizing the definition of equity capital in WAC 275-38-001 and applying relevant Medicare rules and regulations, except that goodwill is not includable in the determination of net equity and monthly equity calculations will not be used.

(3) The contractor's net equity will be multiplied by ~~((twelve percent))~~ the prior calendar year's December 31 Medicare rate of return for the twelve-month period ending on the date of the closing date of the contractor's cost report. The amount will be divided by the contractor's annual resident days for the cost report period to determine a rate per resident day. Where a contractor's cost report covers less than a twelve-month period, annual resident days will be estimated using the contractor's reported resident days. The contractor shall be paid a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per resident day.

(4) The information on which the return on equity is calculated is subject to field audit. ~~((If a))~~ Field audit shall determine~~((s))~~ whether the desk-reviewed reported equity exceeds the equity documented and calculated in conformance with Medicare rules and regulations as

modified by this section~~((;))~~. Using the determinations of field audit, the department shall recalculate the contractor's return on equity rate for the rate period using the report ~~((shall be recalculated using the determinations of the field audit))~~. Any payments in excess of the rate shall be refunded to the department as part of the settlement procedure established by WAC 275-38-886.

AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

WAC 275-38-886 PRINCIPLES OF SETTLEMENT. (1) ~~((Effective January 1, 1985, a contractor's resident care and habilitation cost center payment shall be the lower of their prospective rate or allowable cost. A contractor's administration, operations and property cost center payment shall be their prospective rate. A contractor's return on equity payment shall be their prospective rate))~~ Settlement shall be calculated at the lower of prospective reimbursement rate or audited allowable costs, except as otherwise provided in this chapter.

(2) ~~((A contractor's resident care and habilitation cost center payment shall be determined by the settlement procedure prescribed in this section))~~ Each contractor shall complete a proposed preliminary settlement as part of the annual cost report and submit it by the due date of the annual cost report. After review of the proposed preliminary settlement, the department shall issue a preliminary settlement report to the contractor.

(3) ~~((The settlement process shall consist of a preliminary settlement and a final settlement))~~ If a field audit is conducted, the department shall evaluate the audit findings after completion of the audit and shall issue a final settlement which takes account of such findings and evaluations.

(4) ~~((The preliminary settlement process will be as follows:~~

(a) Providers are required to submit a proposed settlement report with the cost report;

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating refunds, underpayments, and overpayments)) Pursuant to preliminary or final settlement and the procedures set forth in ~~((this))~~ chapter 275-38 WAC, the contractor shall refund overpayments to the department and the department shall pay underpayments to the contractor.

(5) ~~((The final settlement process will be as follows:~~

(a) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report to the contractor fully substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement;

(b) Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute;

(c) A preliminary settlement as issued by the department will become the final settlement if no audit is to be conducted;

(6) Repayment of amounts owed the department shall be as follows:

(a) The contractor shall have thirty days after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under WAC 275-38-960. After the thirty-day period has expired, a preliminary or final settlement will not be subject to review;

(b) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date of the preliminary or final settlement report is submitted to the contractor;

(c) In the event the contractor fails to make repayment in the time provided in subsection (6)(b) of this section, the department shall either:

(i) Deduct the amount of refund due plus assessment of interest, at the rate of one percent per month on the unpaid balance, from payment amounts due the contractor; or

(ii) In the instance the contract has been terminated:

(A) Deduct the amount of refund due plus an assessment of interest, at the rate of one percent per month on the unpaid balance, from any payments due; or

(B) Assess the amount due plus interest, at the rate of one percent per month on the unpaid balance, on the amount due;

(iii) Interest on the unpaid balance owed the department shall begin to accrue on the thirty-first day following receipt of written notification to the contractor of the amount owed the department.

~~(d) Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.~~

~~(7) Payment of amounts owed the contractor shall be as follows: The department shall make payment of any underpayments within thirty days after the date the settlement report is submitted to the contractor)) When payment for services is first made following preliminary or final settlement for the period during which the services were provided, payment shall be at the most recent available settlement rate.~~

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 error 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 275-38-887 PROCEDURES FOR OVERPAYMENTS AND UNDERPAYMENTS. (1) The department shall make payment of underpayments determined by preliminary or final settlement within thirty days after the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received overpayments or payments in error as determined by preliminary or final settlement shall refund such payments to the department within thirty days after receipt of the preliminary or final settlement report as applicable.

(3) If a contractor fails to comply with subsection (2) of this section, the department shall:

(a) Deduct from current monthly amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(b) If the contract has been terminated:

(i) Deduct from any amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(ii) Pursue, as authorized by law and regulation, recovery of the refund due and interest on the unpaid balance at the rate of one percent per month.

(4) If a facility is pursuing timely filed administrative or judicial remedies in good faith regarding settlement report, the contractor need not refund. The department shall not withhold any refund or interest from current amounts due the facility if the refund is specifically disputed by the contractor on review or appeal. The department may recover portions of refunds not specifically disputed by the contractor on review or appeal and assess interest as provided in subsection (3) of this section. If the administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals, the facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest as payable on judgments from the date the review was requested pursuant to WAC 275-38-950 and 275-38-960 to the date the repayment is made.

NEW SECTION

WAC 275-38-888 PRELIMINARY SETTLEMENT. (1) Effective January 1, 1985, the proposed preliminary settlement submitted by a contractor pursuant to WAC 275-38-886 shall use the prospective rate for the resident care and habilitation cost center at which the contractor was paid during the report period, including any client specific payment adjustments made for the resident care and habilitation cost center. Such payments shall be weighted by the number of paid resident days reported for the period each rate was in effect. These payments shall be compared to the contractor's allowable costs for the resident care and habilitation cost center divided by total resident days.

(2) A contractor's administration, operations, and property cost center settlement rate shall be its prospective rate for the report period

weighted by the number of paid resident days reported for the period each rate was in effect.

(3) A contractor's return on equity settlement rate shall be its prospective rate for the report period weighted by the number of paid resident days reported for the period each rate was in effect.

(4) Within one hundred twenty days after a proposed preliminary settlement is received, the department shall review it for accuracy and either accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement shall become the preliminary settlement report. If rejected, the department shall issue a preliminary settlement report by cost center which shall fully substantiate disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(5) A contractor shall have thirty days after receipt of a preliminary settlement report to contest such report pursuant to WAC 275-38-950 and 275-38-960. Upon expiration of the thirty-day period, a preliminary settlement report shall not be subject to review.

NEW SECTION

WAC 275-38-889 FINAL SETTLEMENT. (1) If an audit is conducted, the department shall issue a final settlement report to the contractor after completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations.

(2) The final settlement shall be by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost reports and financial statements, reports, and schedules submitted by the contractor.

(a) The final settlement report shall use the prospective rate at which the contractor was paid during the report period, including any client specific payment adjustments made for resident care and training cost center. Such payments shall be weighted by the number of paid resident days reported for the period each rate was in effect. The department shall compare these payments to the contractor's audited allowable costs for the period.

(b) A contractor's administration operations and property cost center settlement rate shall be its prospective rate for the period weighted by the number of paid resident days reported for the period each rate was in effect.

(c) A contractor's return on equity rate shall be its prospective rate for the report period weighted by the number of paid resident days reported for the period each rate was in effect.

(3) If the contractor is pursuing an administrative or judicial review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement report in order to recover overpayments based on audit findings or determinations not in dispute on review or appeal.

(4) A contractor shall have thirty days after receipt of a final settlement report to contest such report pursuant to WAC 275-38-950 and 275-38-960. Upon expiration of the thirty-day period, a final settlement report shall not be subject to review.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-890 INTERIM RATE. (1) A state facility's interim rate shall be determined utilizing the most recent desk-reviewed costs per resident day. These costs may be adjusted to incorporate federal, state, or department changes in program standards or services.

(2) A facility's interim rate may be adjusted for federal, state, or department changes in program standards or services.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-892 FINAL PAYMENT. (1) A settlement shall be determined to establish a state facility's final payment. A settlement shall be calculated as follows:

(a) If ~~((a))~~ the state facility's allowable costs for the report period are greater than their interim payment, the amount owed to the facility shall be the difference of cost minus interim payment.

(b) If ~~((a))~~ the state facility's allowable costs for the report period are less than their interim payments, the amount owed by the department shall be the difference of ~~((rate))~~ interim payment minus cost.

(2) The settlement process shall consist of a preliminary settlement and a final settlement.

(3) The preliminary settlement process ~~((with))~~ shall be as follows:

(a) State facilities shall submit a proposed settlement report with their cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating the settlement amount.

(4) The final settlement process ~~((with))~~ shall be as follows:

(a) After completion of the audit process, the department shall submit a final settlement report to the state facility substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) A preliminary settlement as issued by the department shall become the final settlement if an audit is not to be conducted pursuant to WAC 275-38-620.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-900 ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS. (1) The department may adjust prospective rates ((are subject to adjustment by the department)) in accordance with subsection (1) of this section and WAC 275-38-570, as a result of cost report or computational errors or omissions by the department or by the contractor. The department ((with)) shall notify the contractor in writing of each adjustment and of the effective date, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates adjusted in accordance with this section ((with)) shall be effective as of the effective date of the original rate, whether the adjustment is solely for computing a preliminary or final settlement or for the purpose of modifying past or future rate payments as well.

(2) If a contractor claims an error ((an)) or omission based upon incorrect cost reporting, the contractor shall submit amended cost report pages ((shall be prepared and submitted by the contractor)). Amended pages shall be accompanied by the certification required by WAC 275-38-560 and a written justification explaining why the amendment is necessary. Such amendments shall not be accepted ((for settlement purposes)) unless the amendments meet the requirements of WAC 275-38-570((-but may be used for purposes of revising a prospective rate)). If the department determines the changes made by ((the)) such amendments are ((determined to be)) material ((by the department according to standards established by the department)), ((such)) the amended pages shall be subject to field audit. If ((a field audit)) the department determines the amendments are incorrect or otherwise unacceptable from a field audit, or other information available to the department, any rate adjustment based on the amendment shall be null and void. Future rate payment increases, if any, scheduled as a result of such an amendment shall be cancelled immediately. Payments based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

(3) The contractor shall pay or commence repayment for an amount he or she owes the department resulting from an error or omission((-or commence repayment)) within sixty days after receipt of notification of the rate adjustment or in accordance with a schedule determined by the department((- within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set forth in WAC 275-38-960)). If the determination is contested in accordance with WAC 275-38-950 and 275-38-960, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(4) The department shall pay any amount owed the contractor as a result of a rate adjustment within thirty days after the department notifies the contractor of the rate adjustment.

(5) No adjustments ((with)) for any purpose shall be made to a rate more than one hundred twenty days after the ((annual settlement for the period the rate was effective has become)) final audit narrative and summary is sent to the contractor or more than one hundred twenty days after the preliminary settlement becomes the final settlement.

(a) A final settlement within this one hundred twenty day time limit may be reopened for the sole purpose of making an adjustment to a prospective rate in accordance with WAC 275-38-900.

(b) Only such an adjustment to a prospective rate and its related computation shall be subject to review if timely contested pursuant to WAC 275-38-950 and 275-38-960. Other actions relating to settlement reopened shall not be subject to review unless previously contested in a timely manner.

NEW SECTION

WAC 275-38-903 RECEIVERSHIP. (1) If the IMR facility is providing care to recipients of state medical assistance is placed under receivership pursuant to chapter 388-98 WAC, the receiver shall:

(a) Become the Medicaid contractor for the duration of the receivership period;

(b) Assume all reporting responsibilities for new contractors;

(c) Assume all other responsibilities for new contractors set forth in chapter 275-38 WAC; and

(d) Be responsible for the refund of Medicaid rate payments pursuant to chapter 275-38 WAC in excess of costs during the period of receivership.

(2) In establishing the prospective rate during receivership, the department shall consider:

(a) Compensation, if any, ordered by the court for the receiver. Such compensation may already be available to the receiver through the rate as follows:

(i) The return on equity cost center rate, or

(ii) The administrator's salary in the case of facilities where the receiver is also the administrator.

If these existing sources of compensation are less than what was ordered by the court, additional costs may be allowed in the rate up to the compensation amount ordered by the court;

(b) Start-up costs and costs of repairs, replacements, and additional staff needed for resident health, training, security, and welfare. To the extent such costs can be covered through the return on equity cost center rate, if any, no additional money will be added to the rate; and

(c) Any other allowable costs as set forth in chapter 275-38 WAC.

(3)(a) Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars.

(b) The department shall recover any emergency or transitional expenditure from revenue generated by the facility which is not obligated to the operation of the facility.

(c) If the department has not fully recovered any emergency or transitional expenditure at the termination of receivership, the department may:

(i) File an action against the former licensee or owner to recover such expenditure; or

(ii) File a lien on the facility or on the proceeds of the sale of the facility.

(4) If recommendations on receiver's compensation are solicited from the department by the court, the department shall consider the following:

(a) The range of compensation for nonstate IMR facility managers;

(b) Experience and training of the receiver;

(c) The size, location, and current condition of the facility;

(d) Any additional factors deemed appropriate by the department.

(5) When the receivership terminates, the department may revise the facility's Medicaid reimbursement as follows:

(a) The Medicaid reimbursement rate for the former owner or licensee shall be what it was prior to receivership. Unless the former owner or licensee may request prospective rate revisions from the department as set forth in chapter 275-38 WAC;

(b) The Medicaid reimbursement rate for licensed replacement operators shall be determined consistent with rules governing prospective reimbursement rates for new contractors as set forth in chapter 275-38 WAC.

NEW SECTION

WAC 275-38-906 ADJUSTMENTS TO PROSPECTIVE RATES. (1) Prospective rates shall be maximum payment rates for contractors for the periods to which they apply, except as otherwise provided in WAC 275-38-906. The department shall not grant rate adjustments for cost increases which are or were subject to management control or negotiation including, but not limited to, all lease cost increases, or for cost increases not expressly authorized in subsections (2) and (3) of this section.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department shall adjust rates for increased costs that must be incurred and which cannot be otherwise met through the contractor's prospective rate, for the following:

(a) Program changes required by the department;

(b) Changes in staffing levels or consultants at a facility required by the department; and

- (c) Changes required by survey.
- (4) Contractors requesting an adjustment shall submit:
- (a) A financial analysis showing the increased cost and an estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;
- (b) A written justification for granting the rate increase; and
- (c) A certification and supporting documentation which shows the changes in staffing, or other improvements, have been commenced or completed.
- (5) Contractors receiving prospective rate increases pursuant to WAC 275-38-906 must submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for change or improvements approved by the department in granting the adjustment, they shall be subject to immediate recovery by the department.
- (6) A contractor requesting an adjustment pursuant to subsection (3)(c) of this section shall submit a written plan specifying additional staff to be added and the resident needs the facility has been unable to meet due to lack of sufficient staff.
- (7) In reviewing a request made under subsection (3) of this section, the department shall consider:
- (a) Whether additional staff requested by a contractor is appropriate in meeting resident needs;
- (b) Comparisons of staffing levels of facilities having similar characteristics;
- (c) The physical layout of the facility;
- (d) Supervision and management of current staff;
- (e) Historic trends in under-spending of a facility's resident care and habilitation;
- (f) Numbers and positions of existing staff; and
- (g) Other resources available to the contractor under subsection (3) of this section.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-925 BILLING PROCEDURES. (1) A contractor shall bill the department each month by completing and returning the IMR statement provided by the department. The IMR statement shall be completed and filed in accordance with instructions issued by the department.

(2) A contractor shall not bill the department for service provided to a resident until a department (~~"notification to recipient in a Title XIX facility" form (f)~~) award letter (~~(?)~~) relating to the resident has been received. At that time the contractor may bill for service provided back through the date the resident was admitted or became eligible.

(3) Billing shall not cover the day of a resident's death, discharge, or transfer from the IMR facility.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-940 SUSPENSION OF PAYMENT. (1) Payments to a contractor may be withheld by the department in each of the following circumstances:

- (a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extensions. Payments (~~(with)~~) shall be released as soon as a properly completed report is received.
- (b) Auditors or other authorized department personnel in the course of his or her duties are refused access to an IMR or are not provided with existing appropriate records. Payments (~~(with)~~) shall be released as soon as such access or records are provided.
- (c) A refund in connection with (~~(an annual)~~) a settlement or rate adjustment is not paid by the contractor when due. The amount withheld (~~(with)~~) shall be limited to the unpaid amount of the refund.
- (d) Payments for the final (~~(thirty days of)~~) service under a contract (~~(with)~~), pursuant to WAC 275-38-530, shall be held pending final settlement when the contract is terminated.
- (2) No payment (~~(with)~~) shall be withheld until written notification of the suspension is given to the contractor, stating the reason therefor.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-945 TERMINATION OF PAYMENTS. All Medicaid Title XIX payments to a contractor (~~(with)~~) shall end no later than (~~(thirty)~~) sixty days after any of the following occurs:

- (1) A contract expires, is terminated or is not renewed;
- (2) A facility license is revoked; or

- (3) A facility is decertified as a Title XIX facility.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-955 RECOUPMENT OF UNDISPUTED OVERPAYMENTS. The department is authorized to withhold from the IMR current payment all amounts found by (~~(proposed)~~) preliminary or final settlement to be overpayments not identified by the IMR and challenged as overpayments as part of a good-faith administrative or judicial review. Contested amounts retained by the IMR pursuant to this section may be subject to recoupment by the department from the IMR current payment upon completion of judicial and administrative review procedures to the extent the department's position or claims are upheld.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-960 ADMINISTRATIVE REVIEW PROCESS. (1) Within thirty days after a contractor is notified of an action or determination made by the department pursuant to a rule, contract provision, or policy statement, the contractor wishes to challenge, the contractor shall request in writing the director (~~(of the division of developmental disabilities)~~) or his or her designee review such determination. The request shall be forwarded to the office of contracts management if the challenge pertains to audit findings (adjusting journal entries or A/Es) or other audit matters, or the director, division of developmental disabilities, for other matters (such as rates, desk reviews, and settlements). The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for the contractor's or licensed administrator's contention the determination was erroneous. Copies of any documentation the contractor intends to rely on to support the contractor's position shall be included with the request.

(2) After receiving a request meeting the criteria (~~(in subsection (1) of this section)~~), the (~~(director of the division of developmental disabilities)~~) department will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no earlier than fourteen days after the contractor was notified of the conference and no later than (~~(thirty)~~) ninety days after a properly completed request is received unless both parties agree in writing to a specific later date. The conference may be conducted by telephone unless either the department or the contractor requests in writing the conference be held in person.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall bring to the conference, or provide to the department in advance of the conference, any documentation requested by the department which the contractor is required to maintain for audit purposes pursuant to WAC 275-38-555, and any documentation on which the contractor intends to rely on to support the contractor's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) (~~(Unless informal)~~) Regardless of whether agreement has been reached at the conference, a written decision by the appropriate director (~~(of the division of developmental disabilities)~~) or his or her designee will be furnished to the contractor within sixty days after the conclusion of the conference.

(5) (~~(If the)~~) A contractor (~~(desires review of an adverse decision of the director of the division of developmental disabilities, the contractor shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the Administrative Procedure Act, chapter 34.04 RCW)~~) may appeal an adverse decision of the director or his or her designee by filing a written request for a hearing with the department's office of hearings (mailing address: P.O. Box 2465, Olympia, Washington 98504). The request must be filed within thirty days of the date the contractor received the decision of the director. A copy of the director's decision being appealed must be attached to the request for hearing. The request must be signed by the contractor or the administrator of the facility, and shall state as specifically as practicable, the issue or issues and regulation or regulations involved, and the grounds for contending the director's decision is erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.

REPEALER

The following sections of the Washington Administrative Code are repealed;

WAC 275-38-575 REPORTING FOR AN ABBREVIATED PERIOD.

WAC 275-38-735 DISCLOSURE AND APPROVAL OF JOINT FACILITY COST ALLOCATION.

WAC 275-38-905 REQUESTS FOR REVISION OF A PROSPECTIVE RATE.

WSR 88-08-001

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 24, 1988]**

The department is withdrawing WSR 88-07-053 filed on March 14 in regard to amending chapter 388-40 WAC. The chapter will be amended at a later date.

Leslie F. James, Director
Administrative Services

WSR 88-08-002

**EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-11—Filed March 24, 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 rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these regulations are necessary until permanent regulations, adopted March 4, 1988, can take effect.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED March 22, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-16-08500A DEFINITION—RING NET. Notwithstanding the provisions of WAC 220-16-

085, effective April 1, 1988, a ring net is defined such that the sides and all other parts of the gear must lie flat on the bottom in such a manner that does not entrap or restrict the free movement of shellfish until lifted.

NEW SECTION

WAC 220-20-01000J GENERAL PROVISIONS. Notwithstanding the provisions of WAC 220-20-010, effective April 1, 1988, it shall be lawful to snag herring, smelt, anchovies, pilchards, sand lance, and squid when using baitfish jigger gear or squid jigs.

NEW SECTION

WAC 220-56-11500B ANGLING—LAWFUL ACTS. Notwithstanding the provisions of WAC 220-56-115, effective April 1, 1988, it is lawful, when in possession of a disability power reel permit, to use a power operated reel while angling for food fish from a vessel, and leave the pole in a pole holder when playing or landing the fish. A disability power reel permit will be issued by the department's licensing division to any person who is physically handicapped to the extent the person is unable to engage in angling using a hand operated reel. For purposes of this section, physically handicapped means an obvious permanent disability involving the loss or incapacity of one hand. The disability power reel permit must be with the angler while the power operated reel is being used and must be presented to authorized officials of the department upon request.

NEW SECTION

WAC 220-56-12800C FOOD FISH FISHERY CLOSURES. Notwithstanding the provisions of WAC 220-56-128, effective April 1, 1988, it is unlawful to fish for foodfish in saltwater within 100 yards of the Enetai Hatchery outfall creek.

NEW SECTION

WAC 220-56-18000V BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective immediately, Code H in catch record cards areas 5 through 13, but unless otherwise provided in another section, salmon angling is open through April 15, and during the period April 15 through June 15 it is unlawful to retain or possess salmon greater than 30 inches in length in catch record card areas 5, 6, 7, 9, 10, 11, or 13.

NEW SECTION

WAC 220-56-19500H CLOSED AREAS—SALTWATER SALMON ANGLING. Notwithstanding the provisions of WAC 220-56-195, effective April 1, 1988, the following areas are closed to salmon angling during the periods indicated:

(1) Skagit Bay: Only those waters east of a line from West Point on Whidbey Island to Reservation Head on Fidalgo Island, north of a line from Polnell Point to Rocky Point, north of the State Highway 532 Bridge between Camano Island and the mainland, and south of a line between the south end of McGlenn Island and the light at the south end of Fidalgo Island (Qk Fl) at the

south end of Swinomish Slough – closed April 15 until further notice.

(2) **Bellingham, Samish and Padilla Bays:** Those waters southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the shoreline to Southeast Point thence to March Point on Fidalgo Island and North of the Burlington Northern Railroad Bridges at the north end of Swinomish Slough – closed April 15 until further notice.

(3) **Carr Inlet:** Those waters north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge – closed April 15 through June 15; those waters north of a line from Green Point to Penrose Point – closed June 16 until further notice.

(4) **Quilcene Bay and Dabob Bays:** Those waters north of a line projected true east from Pulali Point – closed April 15 until further notice.

Reviser's note: The typographical error 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 220-56-19900B CLOSED AREAS—CHINOOK SALMON ANGLING. Notwithstanding the provisions of WAC 220-56-199, effective April 1, 1988, in those waters of Port Susan north of a line from Camano Head to Hermosa Point it is unlawful to retain chinook salmon taken during the period April 15 through June 15.

NEW SECTION

WAC 220-56-20500B FRESHWATER HOOK REGULATIONS. Notwithstanding the provisions of WAC 20-56-205, effective April 1, 1988, in all freshwater areas except lakes with Bag Limit I, it is unlawful to use more than one single hook on nonbuoyant lures, except it is lawful to use two single hooks on natural bait lures.

Reviser's note: The typographical error 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 220-56-23500D POSSESSION LIMITS—BOTTOMFISH. Notwithstanding the provisions of WAC 220-56-235, effective April 1, 1988, the daily bag limit of bottomfish in catch record card areas 5 through 13 shall include no more than 10 surfperch.

NEW SECTION

WAC 220-56-24000D DAILY BAG LIMITS—STURGEON. Notwithstanding the provisions of WAC 220-56-240, effective April 30, 1988, the daily sturgeon bag limit is 2 fish not less than 40 inches nor more than 72 inches in length in those waters of the Columbia River between Bonneville Dam and McNary Dam.

NEW SECTION

WAC 220-56-24500D HALIBUT BAG AND POSSESSION LIMITS. Notwithstanding the provision of of WAC 220-56-245, effective April 1, 1988, the daily bag limit is two halibut in catch record card areas 1, 2, 3, or those waters of area 4 west of the Bonilla-Tatoosh Line, and the daily bag limit is one halibut in those waters of area 4 east of the Bonilla-Tatoosh Line, and areas 5 through 13.

Reviser's note: The typographical error 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 220-56-25500C HALIBUT—SEASONS. Notwithstanding the provisions of WAC 220-56-255, the seasons for halibut are:

(1) April 1 until further notice in catch record card areas 1 and 2.

(2) May 1 through June 30 in catch record card area 3 and those waters of area 4 west of the Bonilla-Tatoosh Line.

(3) March 1 until further notice in those waters of catch record card area 4 east of the Bonilla-Tatoosh Line and areas 5 through 13.

NEW SECTION

WAC 220-56-26500A BAITFISH—LAWFUL GEAR. Notwithstanding the provisions of WAC 220-56-265, effective April 1, 1988, baitfish jigger gear may not have a gap greater than 3/8 inch between the shank and point of any hook.

NEW SECTION

WAC 220-56-31000H SHELLFISH—DAILY BAG LIMITS. Notwithstanding the provisions of WAC 220-56-310, effective April 1, 1988, the statewide daily bag limit for hardshell clams is 40 clams, cockles, and borers, except diggers may retain up to 20 additional pounds of eastern softshell clams taken from Skagit Bay waters east of a line from Browns Point to Swinomish Slough and diggers may retain up to 24 additional cockles taken from Willapa Bay.

NEW SECTION

WAC 220-56-33500F CRAB—SIZE LIMIT. Notwithstanding the provisions of WAC 20-56-335, effective April 1, 1988, the minimum size for male dungeness crab statewide is 6 and 1/4 inches, except for those waters of Hood Canal south of the Hood Canal Floating Bridge, where the minimum size is 6 inches.

Reviser's note: The typographical error 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 220-56-35000D HARDSHELL CLAMS—SEASONS. Notwithstanding the provisions of WAC 220-56-350, effective April 1, 1988, the following areas

are regulated as indicated for the taking of hardshell clams during the times indicated:

(1) *Tidelands of Guss Island in Garrison Bay – Closed at all times.*

(2) *Kayak Point County Park tidelands – Closed except county tidelands north of the county fishing pier open April 1 to June 15.*

(3) *Eagle Creek public tidelands – Open until further notice*

Reviser's note: Errors of punctuation 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 220-56-35500A CLAMS—UNLAWFUL ACTS. *Notwithstanding the provisions of WAC 20-56-355, effective April 1, 1988, it is unlawful to possess Manila, native, or butter clams taken for personal use that measure less than 1 and 1/2 inches across the longest dimension of the shell, except prior to culling it is lawful to possess smaller clams on the intertidal beach where the clams were taken. All unbroken undersized clams must be returned to the beach at the same tide height where taken.*

Reviser's note: The typographical error 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 220-56-38000B OYSTERS—AREAS AND SEASONS. *Notwithstanding the provisions of WAC 220-56-380, effective April 1, 1988, it is unlawful to take oysters from the tidelands at Scenic Beach State Park until further notice.*

NEW SECTION

WAC 220-57-16000N COLUMBIA RIVER *Notwithstanding the provisions of WAC 220-57-160, effective April 1, 1988, the following waters are open only as provided for in this section:*

(1) *Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Bag Limit D June 1 until further notice.*

(2) *Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: Bag Limit D June 16 until further notice.*

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500B HALIBUT—SEASON (88-06)

WSR 88-08-003
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-12—Filed March 24, 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 rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation will protect chinook salmon in northern Hood Canal, Possession Sound, Saratoga Passage and Port Susan, and is necessary to protect spawning salmon stocks.

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

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

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

APPROVED AND ADOPTED March 22, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-18000W BAG LIMIT CODES. *Notwithstanding the provisions of WAC 220-56-180, during the period April 15 through June 15 it is unlawful to retain chinook salmon greater than 30 inches in length taken from those waters of catch record card area 8 or those waters of catch record card area 12 north of a line from Quatsap Point to Hood Point.*

WSR 88-08-004
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 345—Filed March 24, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Tucannon River, WAC 232-28-61621.

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 the return of hatchery-origin steelhead to the Tucannon River is later than usual again this year. Therefore, the game fishing season is extended from March 31 to April 15 to allow anglers ample opportunity to harvest these steelhead. Wild steelhead regulations will continue to be in effect so harvest will be confined to hatchery fish only.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 22, 1988.

By Dr. James M. Walton
Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-61621 REGULATION CHANGE FOR SPORT FISHING ON THE TUCANNON RIVER. Notwithstanding the provisions of WAC 232-28-616 on the Tucannon River, game fish regulations will be as follows:

TUCANNON RIVER, 189, from mouth to Little Tucannon River: May 30-Apr. 15 season.
NOTE: All tributaries CLOSED. WILD STEELHEAD RELEASE Nov. 1-Apr. 15, see page 3. The Tucannon River is closed from the mouth of Cummings Creek upstream to the Tucannon Hatchery Bridge.

From the Little Tucannon River upstream: May 30-Oct. 31 season. TROUT - min. lgth. 12"; BAIT PROHIBITED.

WSR 88-08-005
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 347—Filed March 24, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to 1987-88 Washington game fish regulations—Grande Ronde River, WAC 232-28-61622.

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 hatchery steelhead are available for harvest in the Grande Ronde River during this time period.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 22, 1988.

By Dr. James M. Walton
Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-61622 AMENDMENT TO 1987-88 WASHINGTON GAME FISH REGULATIONS—GRANDE RONDE RIVER. Notwithstanding the provisions of WAC 232-28-616, effective at 12:01 a.m. on March 30, 1988 through 11:59 p.m. on April 15, 1988, the Grande Ronde River from the County Road Bridge (2-1/2 miles upstream from the mouth) to the Oregon State line and all tributaries is open to the taking of game fish with the following additional restrictions:

1. There is a minimum length of 12" for trout.
2. Only steelhead with missing adipose or ventral fins may be possessed. There must be a healed scar in place of the missing fin.

All other provisions of WAC 232-28-616 relating to the Grande Ronde River remain in effect.

WSR 88-08-006
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 348—Filed March 24, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Skagit River, WAC 232-28-61623.

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 the harvestable number of wild winter steelhead for the Skagit River system will have been caught by March 25. Any further harvest of steelhead on the Skagit system must be restricted to hatchery fish in order to provide adequate spawning escapement of wild steelhead.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 24, 1988.

By David L. Schultz
for Jerry Neal
Interim Director

NEW SECTION

WAC 232-28-61623 REGULATION CHANGE FOR SPORT FISHING ON THE SKAGIT RIVER. Notwithstanding the provisions of WAC 232-28-616, on the Skagit River from its mouth to the pipeline crossing at Sedro Woolley (including Fisher Slough west of the Conway-Stanwood Highway) and from Dalles Bridge at Concrete to Marblemount Bridge, only steelhead with missing adipose or ventral fins may be possessed between the dates of March 26 and March 31, 1988, inclusive. There must be a healed scar in the location of the missing fin. All other provisions of WAC 232-28-616 relating to the Skagit River remain in effect.

WSR 88-08-007
ATTORNEY GENERAL OPINION
Cite as: AGO 1988 No. 7
[March 22, 1988]

TAXATION—COUNTIES—CITIES AND TOWNS—PLATTING AND SUBDIVISIONS—FEES

Where counties, cities, and towns charge fees for short plats in amounts designed to cover the actual cost of administering a regulatory program, such fees are authorized by statute and are not an improper form of taxation. However, where fees for short platting are designed to raise revenue over and above the actual costs of administering the regulatory program, the fees are a form of taxation in excess of the local government's statutory taxing power.

Requested by:

Honorable Emilio Cantu
State Senator, 41st District
4416 - 138th Avenue S.E.
Bellevue, WA 98006

WSR 88-08-008
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed March 24, 1988]

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

Amd WAC 356-15-090 Schedule change and compensation.

Amd WAC 356-14-240 Overtime compensation method;

that the agency will at 10:00 a.m., Thursday, May 12, 1988, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

Dated: March 23, 1988

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend: WAC 356-15-090.

Title: Schedule change and compensation.

Purpose: The rule provides that scheduled employees whose schedule change requires them to work more than five of the seven work days will receive overtime rates for work in excess of 40 nonovertime hours.

Statutory Authority: RCW 41.06.150(9).

Summary: Will specify a time period in which to give an employee written notice to change from one scheduled standard work schedule to another scheduled standard work schedule.

Reasons: Originally this change was in the pre-FLSA revisions. This wording needs to be added to assure that overtime rates are not paid for time not worked.

Result of Federal Law, or Federal or State Court Action: It is the result of merit system rule alterations made to accommodate the Fair Labor Standards Act.

Amend: WAC 356-14-240.

Title: Overtime compensation method.

Purpose: The rule authorizes excused time for paid holidays, sick leave, vacations, and compensatory time to be considered as time worked for payroll purposes.

Statutory Authority: RCW 41.06.150(9).

Summary: Will restore the original intent that such paid absence will not result in an overtime penalty for an unworked holiday or vacation.

Reasons: Several examples have arisen, particularly in schedule-change actions, where the occurrence of a holiday, or use of sick or vacation leave have resulted in an apparent requirement for overtime which was not in the pre-FLSA rules.

Result of Federal Law, or Federal or State Court Action: No.

Responsibility for Drafting: Gail Salisbury, Department of Personnel, 600 South Franklin, FE-11, Olympia, WA 98504, phone (206) 753-5383; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel.

Comments: Department of Personnel supports this change.

AMENDATORY SECTION (Amending Order 285, filed 11/24/87, effective 1/1/88)

WAC 356-15-090 SCHEDULE CHANGE AND COMPENSATION. (1) The appointing authority shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency, after giving seven days' notice, initiates a ~~((scheduled))~~ schedule change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the ~~((work))~~ hours actually worked in excess of forty nonovertime hours will be paid at overtime rates.

(Example: A Monday through Friday employee is rescheduled to work Saturdays through Wednesdays. During the transition period, the employee is scheduled to work both Saturday and Sunday, which are the sixth and seventh days of the former schedule. But Saturday is an unworked holiday and the employee is allowed to take a day of vacation on Sunday. The employee should receive straight time pay for the unworked holiday and the vacation day. And both of these days would count toward the forty hours in the new workweek, beyond which actual work would be paid at overtime rates.)

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees in scheduled work period positions having the following responsibilities: Highway

snow, ice and avalanche control, grain inspection, horticulture inspection, and in the department of natural resources, forest fire suppression, "hoot owl," forest fuels management and aerial applications.

Therefore, for employees in scheduled work period positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement, if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (6) of this section.

(6) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(7) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

AMENDATORY SECTION (Amending Order 275, filed 5/18/87, effective 7/1/87)

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

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

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

~~((2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.~~

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

~~((4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.)) (2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, employees shall not be entitled to overtime compensation for time which is not actually worked during those paid absences. Time records shall indicate that the employee did not work during these excused absences.~~

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

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

WSR 88-08-009
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed March 24, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning veteran, amending WAC 356-05-465;

that the agency will at 10:00 a.m., Thursday, May 12, 1988, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a public hearing on the proposed rules.

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

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

Dated: March 23, 1988

By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend: WAC 356-05-465.

Title: Veteran.

Purpose: Defines veteran for the purpose of determining seniority for granting preference during layoffs and subsequent employment.

Statutory Authority: RCW 41.06.150.

Summary: Will add the definition of "voluntary" as used in WAC 356-05-465.

Reasons: This change will clarify the meaning of "voluntary" which will then be in consonance with the military services' application of "voluntary retirement."

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Mailstop OB-13, Olympia, WA 98504, phone (206) 753-5184; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Social and Health Services.

Comments: [No information supplied by agency.]

Result of Federal Law, or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 233, filed 9/24/85)

WAC 356-05-465 VETERAN. For the purpose of determining seniority, as defined in WAC 356-05-390, for granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge

for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PRO-VIDED, That for the purposes of this section "veteran" does not include any person who has:

(1) Voluntarily retired with twenty or more years of active military service; and

(2) Whose military retirement pay is in excess of five hundred dollars per month.

Note: Voluntarily retired as used in subsection (1) of this section includes all active military service retirements from the Armed Forces of the United States, except for disability retirements, for which the official military records state or indicate that the retirement was voluntary.

WSR 88-08-010
ADOPTED RULES
INSURANCE COMMISSIONER
 [Order R 88-4—Filed March 25, 1988]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to approval of the plan of operation for the Washington State Health Insurance Coverage Access Act. RCW 48.41.040(4) of the act requires that "The commissioner shall, after notice and hearing pursuant to chapter 34.04 RCW, approve the plan of operation if it is determined to assure the fair, reasonable and equitable administration of the pool . . ." These new rules, WAC 284-91-025 and 284-91-027, carry out that legislative mandate.

This action is taken pursuant to Notice No. WSR 88-04-056 filed with the code reviser on February 1, 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 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.41.040(4).

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

APPROVED AND ADOPTED March 25, 1988.

Dick Marquardt
 Insurance Commissioner
 By David H. Rodgers
 Chief Deputy
 Insurance Commissioner

NEW SECTION

WAC 284-91-025 PLAN OF OPERATION APPROVED. Pursuant to RCW 48.41.040(4) and after public hearing, the Commissioner has determined that the Plan of Operation, as set forth in WAC 281-91-027, provides a sound basis for the fair, reasonable and equitable administration of the pool and provides for the sharing of pool losses on an equitable, proportionate basis among the members of the pool. It is hereby approved.

NEW SECTION

WAC 284-91-027 PLAN OF OPERATION.

Reviser's note: The text of the adopted plan of operation filed by the Office of the Insurance Commissioner has been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish.

WSR 88-08-011**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**

[Memorandum—March 22, 1988]

The Seattle Community College board of trustees will hold a dinner meeting with the North Seattle Community College Foundation board of directors at 5:00 p.m. on Tuesday, April 5, 1988, in the North Star Dining Room at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

Following this meeting the regular board of trustees meeting will begin at 6:30 p.m., instead of the regular time of 6:00 p.m., in the North Seattle Community College Board Room.

Both meetings are open to the public.

WSR 88-08-012**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Memorandum—March 24, 1988]

NOTICE OF CANCELLATION

The regular meeting of the board of trustees of Western Washington University, scheduled for April 7, 1988, at 1:30 p.m. has been cancelled.

NOTICE OF SPECIAL MEETING

The board of trustees of Western Washington University will hold a special meeting on April 14, 1988, at 1:30 p.m. This meeting will be held at Shannon Point Marine Center, Commons Building, Anacortes, Washington.

WSR 88-08-013**EMERGENCY RULES
HOSPITAL COMMISSION**

[Order 88-01, Resolution No. 88-01—Filed March 28, 1988]

Be it resolved by the Washington State Hospital Commission, acting at West Coast Sea-Tac Hotel, Seattle, Washington, that it does adopt the annexed rules relating to methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges, and changes therein.

We, the Washington State Hospital 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 that the Department of Social and Health Services has developed a Medicaid selective contracting program that is scheduled for implementation April 1, 1988. Under this program participating hospitals contract with the Department of Social and Health Services to provide inpatient hospital care to Medicaid patients. Hospitals participating in the program must know prior to April 1, 1988, how they may treat for rate setting purposes contractual adjustments resulting from participating in the selective contracting program. Without such knowledge participating hospitals may be forced to delay the effective date of their participation, thus temporarily or indefinitely delaying the implementation of the Medicaid selective contracting program. In the just completed legislative session the legislature amended the law (EHB 2046) pertaining to certain negotiated rates, including those pertaining to the Medicaid selective contracting program. Prior to this amendment litigation in Thurston County Superior Court, *Washington Physicians' Service, et al. v. Washington State Hospital Commission*, Thurston County Cause No. 87-2-02628-8, resulted in a declaratory judgment that the Hospital Commission lacked statutory authority to adopt a rule amendment substantively identical to the amendment annexed hereto. In response to this judgment the legislature enacted the above-referenced amendment which contained an emergency clause making the amendment effective March 16, 1988. There was not sufficient time between the effective date of the legislature's amendment and the effective date of the Medicaid selective contracting program to provide all of the notice required for amendment of WAC 261-40-150.

This amendment is adopted as an emergency rule in order for participating hospitals to know how they may treat for rate setting purposes contractual adjustments resulting from participation in the Department of Social and Health Services' Medicaid selective contracting program so as to avoid delaying the implementation of the Medicaid selective contracting program.

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

This rule is promulgated pursuant to chapter 70.39 RCW and is intended to administratively implement that statute.

This rule amendment is promulgated pursuant to RCW 70.39.180, which directs that the Washington State Hospital Commission has authority to implement the provisions of chapter 70.39 RCW.

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

APPROVED AND ADOPTED March 24, 1988.

By Maurice A. Click
Executive Director

AMENDATORY SECTION (Amending Order 87-05, Resolution No. 87-05, filed 11/20/87)

WAC 261-40-150 METHODOLOGY AND CRITERIA FOR APPROVAL, MODIFICATION, OR DISAPPROVAL OF ANNUAL BUDGET SUBMITTAL AND RATES, RATE SCHEDULES, OTHER CHARGES, AND CHANGES THEREIN. The following methodology and criteria shall be utilized by the commission in reviewing and acting on annual budget submittals. The ~~(([relative]-[related]))~~ relative importance of each criterion, and the extent to which justification for variance from the methodology and criteria is accepted, is a matter of commission discretion:

The following is effective for hospital fiscal years beginning in 1987.

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;

(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs;

(d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit the hospital to render necessary, effective and efficient service in the public interest.

(3) Whether the commission action will assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(a) Rural includes all areas of the state with the following exceptions:

(i) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;

(ii) Areas within a twenty-mile radius of an urban area exceeding thirty thousand population; and

(iii) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) Whether the proposed budget and the projected revenues and expenses would result in the rate structure most reasonable under the circumstances. The following

shall be considered by the commission in making that determination:

(a) The commission shall determine whether the hospital's requested utilization statistics are reasonably attainable, based upon:

(i) Historical admission trends, including a revised current year estimate derived from seasonally-adjusted quarterly report information;

(ii) Historical trends of outpatient volumes as measured by inflation-adjusted outpatient revenue and outpatient equivalents of admissions;

(iii) Historical trends of the average length of stay;

(iv) Historical case mix indices as obtained from the commission hospital abstract reporting system; and

(v) Such other information as the commission may determine is appropriate as a basis for deviating from measures based upon historical trends including, but not limited to:

(A) Revisions necessary to maintain compliance with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Negotiated rate agreements that guarantee additional volumes related to a purchaser of hospital health care services;

(C) The implementation or deletion of services or programs for which certificate of need approval has been obtained, if required; and

(D) Other considerations presented by the hospital or other interested persons and determined to be appropriate by the commission.

(b) The commission shall utilize a principal screen to compare the hospital's requested net patient services revenue (total rate setting revenue less deductions from revenue) per adjusted case mix value unit to the hospital's baseline net patient services revenue per adjusted case mix value unit as calculated in item (i) below and modified by item (ii) below:

(i) Each hospital's baseline net patient services revenue per adjusted case mix value unit shall be calculated by applying to the individual hospital the same methodology utilized by the commission in establishing the volume, operating expense, and capital allowance components of the allocated target dollar amount of total state-wide hospital revenue adopted by the commission in accordance with RCW 70.39.150(6).

(ii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit does not exceed the revised baseline, the operating expense and capital allowance sections of the hospital's annual budget submittal will not be subject to further review provided that the resulting rates meet the criteria of subsection (5)(f), (6), and (7) of this section.

(iii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit exceeds the revised baseline, further review of the components of operating expense and capital allowance will be conducted.

(c) The commission shall determine whether the hospital's requested operating expenses are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the services are reasonably related to the total services offered by that hospital and are such that the hospital's costs do not exceed those that are necessary for a reasonably and prudently managed hospital, based upon:

(i) Adjusting the requested level of operating expenses to reflect the adjusted case mix value units as determined according to (a) of this subsection, utilizing the variable cost factors described in subsection (6) of this section;

(ii) Applying national hospital market basket inflation forecasts to operating expenses by natural classification. National inflation forecasts will be modified to reflect regional or state-wide economic conditions, as appropriate;

(iii) Such other information as the commission may determine is appropriate as a basis for deviating from the standard variable cost ratios specified in subsection (6) of this section or inflation forecasts. This information shall include but not be limited to:

(A) Revisions necessary to comply with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Reasonable operating expenses related to implementation or deletion of services or programs for which certificate of need approval has been obtained, if required;

(C) Reasonable operating expenses related to expansion or contraction of hospital capacity for which certificate of need approval has been obtained, if required;

(D) Volume adjustments of a magnitude which render the standard variable cost factors described in subsection (6) of this section inappropriate; and

(E) Other consideration presented by the hospital and determined to be appropriate by the commission.

(d) The commission shall determine whether the hospital's requested capital allowance is appropriate based upon the following:

(i) Capital allowance includes a return on net property, plant and equipment (property, plant and equipment less accumulated depreciation) used in hospital operations, an allowance for working capital, and other considerations as determined to be appropriate by the commission.

(A) The value for net property, plant and equipment shall be derived from the balances at the end of the hospital's current year, as approved by the commission, and the projected balances at the end of the budget year. An average shall be calculated. The average of the net property, plant and equipment shall be the base upon which the return shall be calculated.

(I) Any capital expenditures contained in the projected balances at the end of the budget year which are subject to certificate of need approval will be excluded from the base until such time as the certificate of need has been issued by the department of social and health services;

(II) Any assets contained in net property, plant and equipment that do not relate to hospital operations, as

defined in the commission's Accounting and Reporting Manual for Hospitals, pursuant to WAC 261-20-030, will be excluded from the base.

(B) A return on net property, plant and equipment as determined in (I), (II), and (III) below shall be presumed appropriate; however, the commission may vary from that rate, higher or lower, where appropriate.

(I) The rate of return on equity financed net property, plant and equipment shall be calculated by averaging the reported interest rates on twenty-five-year "A" rated tax-exempt bonds as reported in each issue of Rate Controls from the three months ending on August 31 of each year.

(II) The rate of return on debt financed net property, plant and equipment shall be a blended average of each hospital's average interest rate on long-term debt and the rate of return on equity financed net property, plant and equipment. The blending schedule is as follows:

(aa) For hospital fiscal years beginning in 1987: Seventy-five percent - each hospital's average interest rate on long-term debt, twenty-five percent - rate of return on equity financed net property, plant and equipment;

(bb) For hospital fiscal years beginning in 1988: Fifty percent - each hospital's average interest rate on long-term debt, fifty percent - rate of return on equity financed net property, plant and equipment;

(cc) For hospital fiscal years beginning in 1989: Twenty-five percent - each hospital's average interest rate on long-term debt, seventy-five percent - rate of return on equity financed net property, plant and equipment;

(dd) For hospital fiscal years beginning in 1990 and each year thereafter: Zero percent - each hospital's average interest rate on long-term debt, one hundred percent - rate of return on equity financed net property, plant and equipment.

(III) After computation of the return on net property, plant and equipment, allowable interest expense on long-term debt shall be deducted from the computed return.

(C) Working capital increases, if requested, shall be added to the return on net property, plant and equipment for determination of the total capital allowance. Working capital increases up to thirteen and one-half percent of the increase in net patient services revenue from the approved budget in the current year to the approved budget as determined by the commission in the requested year shall be presumed appropriate; however, the commission may vary from that allowance, higher or lower, where appropriate.

(I) The commission may determine that a hospital which is found essential to assure access of the rural public to basic health care services is experiencing financial distress and may determine to vary from the allowance for working capital.

(II) The commission may determine to allow additional working capital where the hospital can demonstrate to the commission's satisfaction that its payer mix would require additional funding of accounts receivable.

(D) The commission may consider other elements in the determination of appropriate capital allowance for

inclusion in total rate setting revenue. These considerations include, but are not limited to, the following elements:

(I) Hospitals that have been undercapitalized as determined by an average accounting age of property, plant and equipment which exceeds one hundred fifty percent of the state-wide average; and a total turnover rate of assets which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest Hospital Industry ((~~Analysis~~)) Financial Report of the healthcare financial management association or a fixed asset turnover rate which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest Hospital Industry ((~~Analysis~~)) Financial Report of the healthcare financial management association, provided that:

(aa) The total level of capital allowance for undercapitalized hospitals should not exceed one hundred twenty-five percent of the baseline level; and

(bb) The requested rate per adjusted admission, as revised to reflect the hospital's case mix index, does not exceed the peer group median; and

(cc) The resulting increase in the rate per adjusted case mix value unit does not exceed one hundred twenty-five percent of the baseline median rate of increase.

(II) Whether that portion of debt principal payments which exceeds the total depreciation expense in the budget year should be allowed;

(III) If the hospital has been approved for equity funding or accumulation of funds for a project in the future and its rate per adjusted case mix value unit is at or below the median of its peer group, the proposed project is consistent with the hospital's long-range plan and financing plan which have been approved by the hospital's governing body, the proposed project is consistent with the health systems plan of the appropriate health systems agency, and any equity funding allowed in total rate setting revenue is maintained in a separate subaccount within board designated assets and cannot be used for any other purpose without prior approval of the commission; and

(IV) If the hospital has an approved certificate of need and related financing consistent with the approved certificate of need and the impact on rates of the additional funding is determined not to be excessive by the commission.

(e) Whether the budgeted deductions from revenue are appropriate:

(i) Contractual adjustments related to governmental programs, such as Titles V, XVIII, XIX of the Social Security Act, Department of Labor and Industries, self-insured workers' compensation, Veteran's Administration, and Indian Health Service are allowable as deductions from revenue for rate setting purposes when the hospital payment rates are established unilaterally by the program;

(ii) Contractual adjustments related to bank card discounts, negotiated rates and all other nongovernmental-sponsored patients are not allowable as deductions from revenue for rate setting purposes;

(iii) ((~~Selective contracting with Medicaid is specifically excluded from negotiated rates, and related contractual adjustments~~)) Contractual adjustments relating to contracts executed with the department of social and health services, under the Medicaid selective contracting program, are allowable as deductions from revenue for rate-setting purposes;

(iv) Bad debts and charity will be trended as a percentage of total rate setting revenue over time and any significant changes will require justification;

(v) Administrative adjustments exceeding one-tenth of one percent of total rate setting revenue will require justification; ((~~and~~)) and

(vi) Deductions from revenue may be recomputed based on determinations in all ((~~other~~)) other areas of the budget.

(f) Whether the reviews performed in accordance with (a), (b), (c), (d) and (e) of this subsection result in rates, rate schedules, other charges, and changes therein which are the most reasonable under the circumstances.

(i) Rate setting revenue per adjusted case mix value unit should not exceed the 70th percentile of the peer group revenue screens as adjusted for each hospital's case mix index unless the hospital demonstrates to the commission's satisfaction that the relatively high rates are acceptable.

(ii) The commission may consider any other information it determines is appropriate as the basis for deviating from these criteria including the relative level of deductions from revenue experienced by the hospitals;

(iii) If the rates are not approved as requested, the hospital must submit revised rates to the commission within twenty days of the date of service of the decision and order.

(6) Whether the rates implemented and revenues collected by the hospital conform to the applicable commission determinations.

(a) For budget years beginning on or before 1986, conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of either the aggregate rate per adjusted patient day, or the revenues for individual revenue centers, as either may be modified, where appropriate, for volume variance between budgeted and actual levels; such comparison shall be made using actual, rather than budgeted, deductions from revenue.

The approved capital allowance shall be considered a fixed cost when considering year-end conformance. Only that portion of total costs per patient day designated as variable according to the following schedule will be adjusted for volume variance:

Peer groups 1 and 2 and specialty hospitals having fewer than fifty beds; fixed costs – eighty percent, variable costs – twenty percent.

Peer groups 3 and 4 and specialty hospitals having fifty or more beds; fixed costs – seventy percent, variable costs – thirty percent.

Peer groups 5 and 6 hospitals; fixed costs – sixty percent, variable costs – forty percent.

Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs, either in the aggregate or by revenue center. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable revenue variance due to volume changes.

The hospital may submit any justifying information to explain deviations/variances from approved revenues.

(b) For budget year 1987, conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of the aggregate rate per adjusted case mix value unit. The revenues may be modified, where appropriate, for volume variance between budgeted and actual levels of adjusted case mix value units.

(i) Actual allowable, rather than budgeted, deductions from revenue will be used in the conformance calculation.

(ii) The approved capital allowance shall be considered a fixed cost when considering year-end conformance.

(iii) Only that portion of total operating costs designated as variable according to the following schedule will be adjusted for volume variance:

(A) Peer Group A and specialty hospitals having fewer than fifty beds; fixed costs – eighty percent, variable costs – twenty percent;

(B) Peer Group B and specialty hospitals having from fifty to one hundred seventy-five beds; fixed costs – sixty-five percent, variable costs – thirty-five percent;

(C) Peer Group C and specialty hospitals having more than one hundred seventy-five beds; fixed costs – fifty percent, variable costs – fifty percent.

(iv) Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs by natural classification of expense. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable operating expense variance due to volume changes.

(v) The hospital may submit any proposed justifying information to explain deviations/variances from approved revenues.

(A) Any proposed justifying information must include at least the following supporting information:

(I) The exact nature and extent of the factors contributing to excess revenue;

(II) The date at which hospital management became aware of the factors contributing to excess revenue;

(III) The date at which hospital management increased rates above the allowable level taking into account volume changes and actual deductions from revenue;

(IV) An explanation of efforts to reduce other components of the budget to offset the factors contributing to the excess revenues; and

(V) An explanation of why the hospital did not seek a budget amendment.

(B) In no event will increased operating expenses be accepted as justification if the volume adjusted allowable operating expenses equal or exceed the actual level.

(C) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been controlled by hospital management.

(D) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been anticipated by the hospital or could have been identified by the hospital in sufficient time to submit a budget amendment in accordance with WAC 261-20-045.

(E) In no event will capital allowance in excess of the approved level be accepted as justification.

(F) Hospitals will be allowed to retain any actual capital allowance in excess of the approved level that results from cost effective practices as defined as, and measured by, actual operating expenses that are below the volume adjusted approved operating expenses.

(vi) Staff shall notify each hospital found to be out of conformance based on this subsection, and a hearing shall be conducted by the commission on conformance within sixty days. If the commission determines that a hospital's revenues have not conformed to the applicable determinations for that year, a decision and order will be issued reducing the hospital's current budget and rates by the amount that actual revenues exceed allowable revenues.

(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services;

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

The following is effective for hospital fiscal years beginning on or after January 1, 1988.

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;

(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs; and

(d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit the hospital to render necessary, effective and efficient service in the public interest.

(3) Whether the commission action will assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(a) Rural includes all areas of the state with the following exceptions:

(i) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;

(ii) Areas within a twenty-mile radius of an urban area exceeding thirty thousand population; and

(iii) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

(b) The commission may, at its discretion, determine that individual hospitals located in areas meeting the aforementioned criteria should not be considered rural for purposes of conducting comparative budget reviews between hospitals. In such cases, the affected hospitals will be compared against those hospitals classified as either Peer Group B or Peer Group D for comparative purposes.

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) Whether the proposed budget and the projected revenues and expenses would result in the rate structure most reasonable under the circumstances. The following shall be considered by the commission in making that determination:

(a) For purposes of conducting comparative budget review, the commission shall assign each hospital to a peer group, as follows:

(i) Peer Group A - those hospitals designated as rural in accordance with WAC 261-40-150 (3)(a);

(ii) Peer Group B - those hospitals not designated within Peer Groups A, C, or D;

(iii) Peer Group C - those hospitals with accredited graduate medical education programs, except those that are classified within Peer Group D; and

(iv) Peer Group D - those hospitals which the commission has determined exhibit unique characteristics that make comparative analysis inappropriate.

(b) The commission shall determine whether the hospital's requested utilization statistics are reasonably attainable, based upon:

(i) The adjusted case mix value units for each hospital which were used to develop the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue; and

(ii) Maintaining a reasonable relationship between the volumes of each hospital department with the adjusted case mix value units which were used to develop the individual hospital's operating expense component of the

target dollar amount of total state-wide hospital revenue.

(A) Deviations from the volume levels determined through these procedures will be taken into account in the computation of year-end conformance, as described in WAC 261-40-150(6).

(c) The commission shall utilize a principal screen to compare the hospital's requested net patient services revenue (total rate setting revenue less deductions from revenue) per adjusted case mix value unit to the hospital's baseline net patient services revenue per adjusted case mix value unit as calculated in item (i) below and applied by items (ii), (iii), and (iv) below:

(i) Each hospital's baseline net patient services revenue per adjusted case mix value unit shall be calculated as follows:

(A) Baseline adjusted case mix value units shall be equal to the level utilized by the commission in establishing the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue;

(B) Baseline operating expenses shall be equal to the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue; and

(C) Baseline capital allowance shall be determined as an allocated amount of the capital allowance component of the target dollar amount of total state-wide hospital revenue. The allocation of the state-wide capital allowance component of the target dollar amount of total state-wide hospital revenue shall be calculated as follows:

(I) Each hospital's 1987 baseline capital allowance will be divided by the sum of all hospitals' 1987 baseline capital allowances; and

(II) The ratio resulting from (I) above shall be multiplied against the 1988 capital allowance component of the target dollar amount of total state-wide hospital revenue.

(ii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit does not exceed the revised baseline, the operating expense and capital allowance sections of the hospital's annual budget submittal will not be subject to further review provided that the resulting rates meet the criteria of subsections (5)(g), (6), and (7) of this section.

(iii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit exceeds the revised baseline, further review of the components of operating expense and capital allowance will be conducted.

(iv) Peer Group A hospitals with requested net revenues per adjusted case mix value unit which are at or below the 70th percentile for their peer group, and which are increasing from the current year approved level at a percentage change which is at or below the 70th percentile rate of change for the peer group, shall be exempted from the principal screen review and the

review of operating expenses and capital allowance, so long as the budgeted adjusted case mix value units appear to be reasonably attainable.

(d) The commission shall determine whether the hospital's requested operating expenses are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the services are reasonably related to the total services offered by that hospital and are such that the hospital's costs do not exceed those that are necessary for a reasonably and prudently managed hospital, based upon:

(i) Adjusting the requested level of operating expenses to reflect the adjusted case mix value units as determined according to (5)(b) of this section, utilizing the variable cost factors described in subsection (6) of this section;

(ii) Applying national hospital market basket inflation forecasts to operating expenses by natural classification. National inflation forecasts will be modified to reflect regional or state-wide economic conditions, as appropriate; and

(iii) Such other information as the commission may determine is appropriate as a basis for deviating from the standard variable cost ratios specified in subsection (6) of this section or inflation forecasts. This information shall include but not be limited to:

(A) Revisions necessary to comply with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Reasonable operating expenses related to implementation or deletion of services or programs for which certificate of need approval has been obtained, if requested;

(C) Reasonable operating expenses related to expansion or contraction of hospital capacity for which certificate of need approval has been obtained, if required;

(D) Volume adjustments of a magnitude which render the standard variable cost factors described in subsection (6) of this section inappropriate; and

(E) Other consideration presented by the hospital or other concerned persons and determined to be appropriate by the commission, including the impact that the acceptance of operating expense increases above the baseline level would have on the commission's ability to achieve total state-wide revenue that are within the target dollar amount of total state-wide hospital revenue as adopted by the commission in accordance with RCW 70.39.150(6), and comparative analysis of the hospital's operating expenses with hospitals within the same peer group.

(e) The commission shall determine whether the hospital's requested capital allowance is appropriate based upon the following:

(i) Capital allowance includes a return on net property, plant and equipment (property, plant and equipment less accumulated depreciation) used in hospital operations, an allowance for working capital, and other considerations as determined to be appropriate by the commission.

(A) The value for net property, plant and equipment shall be derived from the balances at the end of the hospital's current year, as approved by the commission, and

the projected balances at the end of the budget year. An average shall be calculated. The average of the net property, plant and equipment shall be the base upon which the return shall be calculated.

(I) Any capital expenditures contained in the projected balances at the end of the budget year which are subject to certificate of need approval will be excluded from the base until such time as the certificate of need has been issued by the department of social and health services.

(II) Any assets contained in net property, plant and equipment that do not relate to hospital operations, as defined in the commission's Accounting and Reporting Manual for Hospitals, pursuant to WAC 261-20-030, will be excluded from the base.

(B) A return on net property, plant and equipment as determined in (I), (II), and (III) below shall be presumed appropriate; however, the commission may vary from that return, higher or lower, where appropriate.

(I) The rate of return on equity financed net property, plant and equipment shall be calculated by averaging the reported interest rates on twenty-five year "A" rated tax-exempt bonds as reported in each issue of Rate Controls from the three months ending on August 31, 1987.

(II) The rate of return on debt financed net property, plant and equipment shall be a blended average of each hospital's average interest rate on long-term debt and the rate of return on equity financed net property, plant and equipment. The blending schedule is as follows:

(aa) For hospital fiscal years beginning in 1988: Fifty percent - each hospital's average interest rate on long-term debt, fifty percent - rate of return on equity financed net property, plant and equipment;

(bb) For hospital fiscal years beginning in 1989: Twenty-five percent - each hospital's average interest rate on long-term debt, seventy-five percent - rate of return on equity financed net property, plant and equipment;

(cc) For hospital fiscal years beginning in 1990 and each year thereafter: Zero percent - each hospital's average interest rate on long-term debt, one hundred percent - rate of return on equity financed net property, plant and equipment.

(III) After computation of the return on net property, plant and equipment, allowable interest expense on long-term debt shall be deducted from the computed return.

(C) Working capital increases, if requested, shall be added to the return on net property, plant and equipment for determination of the total capital allowance. Working capital increases up to thirteen and one-half percent of the increase in net patient services revenue from the approved budget in the current year to the approved budget as determined by the commission in the requested year shall be presumed appropriate; however, the commission may vary from that allowance, higher or lower, where appropriate.

(I) The commission may determine that a hospital which is found essential to assure access of the rural public to basic health care services is experiencing financial distress and may determine to vary from the allowance for working capital.

(II) The commission may determine to allow additional working capital where the hospital can demonstrate to the commission's satisfaction that its payer mix would require additional funding of accounts receivable. In the event that increased working capital is determined by the commission to be necessary, but the amount of working capital is found by the commission to cause an excessive impact on total revenues or rates, the commission may choose to allow the hospital to borrow the necessary cash and to allow interest on borrowed cash as an operating expense in the budget year.

(D) The commission may consider other elements in the determination of appropriate capital allowance for inclusion in total rate setting revenue. These considerations include, but are not limited to, the following elements:

(I) Rural hospitals that have been under-capitalized as determined by an average accounting age of property, plant and equipment which exceeds one hundred fifty percent of the state-wide average; and a total turnover rate of assets which exceeds the upper quartile of far west hospitals of the same size category as defined in the latest "Hospital Industry Analysis Report" of the healthcare financial management association or a fixed asset turnover rate which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest "Hospital Industry Analysis Report" of the healthcare financial management association, provided that:

(aa) The total level of capital allowance for under-capitalized hospitals should not exceed one hundred twenty-five percent of the baseline level; and

(bb) The requested rate per adjusted admission, as revised to reflect the hospital's case mix index, does not exceed the peer group median; and

(cc) The resulting increase in the rate per adjusted case mix value unit does not exceed one hundred twenty-five percent of the budgeted peer group median rate of increase.

(II) Whether that portion of debt principal payments which exceeds the total depreciation expense in the budget year should be allowed;

(III) Whether the capital allowance should include equity funding or accumulation of funds for a project in the future, if the hospital's rate per adjusted case mix value unit is at or below the median of its peer group, the proposed project is consistent with the hospital's long-range plan and financing plan which have been approved by the hospital's governing body, and any equity funding allowed in total rate setting revenue is maintained in a separate subaccount within board designated assets and cannot be used for any other purpose without prior approval of the commission;

(IV) If the hospital has an approved certificate of need and related financing consistent with the approved certificate of need and the impact on rates of the additional funding is determined not to be excessive by the commission; and

(V) Other considerations proposed by the hospital or other interested persons and determined to be appropriate by the commission, including the impact that any deviation from the baseline capital allowance will have

on the commission's ability to achieve total state-wide hospital revenue that do not exceed the target dollar amount of total state-wide hospital revenue as adopted by the commission in accordance with RCW 70.39.150(6).

(f) Whether the budgeted deductions from revenue are appropriate:

(i) Contractual adjustments related to governmental programs, such as Titles V, XVIII, XIX of the Social Security Act, Department of Labor and Industries, self-insured workers' compensation, Veteran's Administration, and Indian Health Service are allowable as deductions from revenue for rate setting purposes when the hospital payment rates are established unilaterally by the program.

(ii) Contractual adjustments related to bank card discounts, negotiated rates and all other nongovernmental-sponsored patients are not allowable as deductions from revenue for rate setting purposes;

(iii) ~~((Selective contracting with Medicaid is specifically excluded from negotiated rates, and related contractual adjustments))~~ Contractual adjustments relating to contracts executed with the department of social and health services, under the Medicaid selective contracting program, are allowable as deductions from revenue for rate-setting purposes;

(iv) Bad debts and charity will be trended as a percentage of total rate setting revenue over time and any significant changes will require justification;

(v) Administrative adjustments exceeding one-tenth of one percent of total rate setting revenue will require justification; and

(vi) Deductions from revenue may be recomputed based on determinations in all other areas of the budget.

(g) Whether the reviews performed in accordance with (a), (b), (c), (d), (e) and (f) of this subsection result in rates, rate schedules, other charges, and changes therein which are the most reasonable under the circumstances.

(i) Rate setting revenue per adjusted case mix value unit should not exceed the 70th percentile of the peer group revenue screens as adjusted for each hospital's case mix index unless the hospital demonstrates to the commission's satisfaction that the relatively high rates are acceptable;

(ii) After allocating deductions from revenue and capital allowance to the various hospital revenue centers as a constant percentage of operating expenses, cross subsidization shall not exceed plus or minus five percent of expenses for rate setting, unless the commission concurs with a specific hospital request for larger levels of cross subsidization or the hospital is a basic service hospital as defined by the commission.

(iii) The commission may consider any other information it determines is appropriate as the basis for deviating from these criteria including the relative level of deductions from revenue experienced by the hospitals;

(iv) If the rates are not approved as requested, including the disapproval of requested cross-subsidization levels, the hospital must submit revised rates to the commission within twenty days of the date of service of the decision and order. Upon notification that the rates

are in accordance with the decision and order, the approved rates are the maximum revenue that a hospital may receive for each unit of service, except for such rate changes as may be necessary to reflect differences between approved and actual volumes and deductions from revenue. Variable costs associated with changes in volumes will be determined in accordance with the variable cost ratios as described in (6)(d) below.

(6) Whether the rates implemented and revenues collected by the hospital in the previous budget year conformed to the applicable commission determination for that year.

(a) Conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of the aggregate rate per adjusted case mix value unit. The revenues may be modified, where appropriate, for volume variance between budgeted and actual levels of adjusted case mix value units.

(b) Actual allowable, rather than budgeted, deductions from revenue will be used in the conformance calculation.

(c) The approved capital allowance shall be considered a fixed cost when considering year-end conformance.

(d) Only that portion of total operating costs designated as variable according to the following schedule will be adjusted for volume variance:

(i) Peer Group A and specialty hospitals having fewer than fifty beds; fixed costs – eighty percent, variable costs – twenty percent;

(ii) Peer Group B and specialty hospital having from fifty to one hundred seventy-five beds; fixed costs – sixty-five percent, variable costs – thirty-five percent; and

(iii) Peer Group C and specialty hospitals having more than one hundred seventy-five beds; fixed costs – fifty percent, variable costs – fifty percent.

(e) Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs by natural classification of expense. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable operating expense variance due to volume changes.

(f) The hospital may submit any proposed justifying information to explain deviations/variances from approved revenues.

(i) Any proposed justifying information must include at least the following supporting information:

(A) The exact nature and extent of the factors contributing to excess revenue;

(B) The date at which hospital management became aware of the factors contributing to excess revenue;

(C) The date at which hospital management increased rates above the allowable level taking into account volume changes and actual deductions from revenue;

(D) An explanation of efforts to reduce other components of the budget to offset the factors contributing to the excess revenues; and

(E) An explanation of why the hospital did not seek a budget amendment.

(ii) In no event will increased operating expenses be accepted as justification if the volume adjusted allowable operating expenses equal or exceed the actual level.

(iii) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been controlled by hospital management.

(iv) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been anticipated by the hospital or could have been identified by the hospital in sufficient time to submit a budget amendment in accordance with WAC 261-20-045.

(v) In no event will capital allowance in excess of the approved level be accepted as justification.

(vi) Hospitals will be allowed to retain any actual capital allowance in excess of the approved level that results from cost effective practices as defined as, and measured by, actual operating expenses that are below the volume adjusted approved operating expenses.

(g) Staff shall notify each hospital found to be out of conformance within sixty days of receiving the hospital's year-end conformance reports. If the commission determines that a hospital's revenues have not conformed to the applicable determinations for that year, a decision and order will be issued reducing the hospital's current budget and rates by the amount that actual revenues exceed allowable revenues.

(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services; and

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

WSR 88-08-014

ATTORNEY GENERAL OPINION

Cite as: AGO 1988 No. 8

[March 24, 1988]

ROADS AND BRIDGES, STATE—TRANSPORTATION, DEPARTMENT OF—STATUTORY CONSTRUCTION

1. When categorizing proposed construction projects for purposes of funding pursuant to RCW 47.05.030 and .051, the Transportation Commission does not exceed its authority when it lists a project that includes both rehabilitation of an existing bridge and construction of a new bridge and new approaches in category C (major improvements) rather than in category A (repairs) or category H (bridge improvements).

2. Where an administrative agency exercises delegated authority to assign proposed construction projects among several categories, and a particular project could logically fit into any of several categories, the agency may properly look to the primary thrust of the proposed project in assigning it to a category, and a reviewing body will generally defer to the agency's judgment in such a matter.

Requested by:

Honorable Phil Talmadge
State Senator
34th District
Legislative Building, AS-32
Olympia, WA 98504

Honorable Mike Heavey
State Representative
34th District
Legislative Building, AS-33
Olympia, WA 98504

WSR 88-08-015

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Order PM 716—Filed March 28, 1988]

Be it resolved by the Washington State Board of Funeral Directors and Embalmers, acting at Lacey, Washington, that it does adopt the annexed rules relating to:

Amd WAC 308-48-030 Restrictions.
New WAC 308-48-031 Embalming and preparation room.
Amd WAC 308-48-085 Funeral establishment—Inspections.

This action is taken pursuant to Notice No. WSR 88-01-132 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 18.39.157(4) [18.39.175(4)] which directs that the Board of Funeral Directors and Embalmers has authority to implement the provisions of chapter 18.39 RCW.

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

APPROVED AND ADOPTED March 21, 1988.

By Kenneth R. Andrews
Chairman

AMENDATORY SECTION (Amending Order PL 419, filed 1/26/83)

WAC 308-48-030 RESTRICTIONS. (1) Licensees in all their licensed activities, shall comply with all applicable Washington state laws, rules and regulations

related to health or the handling or disposal of human remains.

~~(2) ((Every establishment where embalming is done shall have a separate room for the purpose, equipped in a sanitary manner, including operating table, sanitary waste receptacles and such plumbing as may be necessary for the sanitary disposal of wastes resulting from embalming, and that embalming instruments shall be properly cleaned and disinfected after each operation and shall be kept clean between operations.~~

~~(3))~~ No licensee ~~((or))~~, apprentice, employee or agent of the licensee, in handling a dead body, shall perform any unnecessary act which will tend to affect adversely the dignity or the respectful and reverential handling and burial or other customary disposal of the dead.

~~((4))~~ (3) The care and preparation for burial or other disposition of all human dead bodies shall be private. No one shall be allowed in the embalming or preparation rooms while a dead body is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized doctors and nurses employed in a case, nor to members of the immediate family of the deceased or those authorized to be present by the decedent's next of kin.

~~((5))~~ (4) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a body in the licensee's care, custody or control to the decedent's next of kin or the proper authorities.

NEW SECTION

WAC 308-48-031 EMBALMING AND PREPARATION ROOM. (1) Embalming. No embalming of a body of a deceased person shall be performed in a funeral establishment except in a room set aside exclusively for embalming or other preparation of a body of a deceased person. Such room shall be maintained and kept in a clean sanitary condition.

(2) Embalming and preparation room. Every embalming and preparation room shall be constructed, equipped and maintained as follows:

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit which will completely remove objectionable fumes.

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only".

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse, bandages, cotton, and other waste materials.

AMENDATORY SECTION (Amending Order PL 273, filed 8/1/77)

WAC 308-48-085 FUNERAL ESTABLISHMENTS—INSPECTIONS. (1) Funeral establishments licensed under the provisions of chapter 18.39 RCW will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover the areas of sanitation and public health as well as conformity with applicable statutes and rules.

~~((3) Any unsatisfactory conditions or violations found will be the subject of reinspection prior to the expiration of thirty days. Uncorrected conditions or the continued existence of a violation will form the basis for the filing of charges and the institution of proceedings as provided for in the Administrative Procedure Act, chapter 34.04 RCW.))~~

WSR 88-08-016
EMERGENCY RULES
DEPARTMENT OF LICENSING
(Board of Funeral Directors and Embalmers)
[Order PM 715—Filed March 28, 1988]

Be it resolved by the Washington State Board of Funeral Directors and Embalmers, acting at Lacey, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 308-48-030	Restrictions.
New	WAC 308-48-031	Embalming and preparation room.
Amd	WAC 308-48-085	Funeral establishment—Inspections.

We, the Washington State Board of Funeral Directors and Embalmers, 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 chapter 18.39 RCW requires the board to promulgate rules to protect the public welfare. The above-cited rules place restrictions on the practice of funeral directors, define acceptable standards for embalming rooms and provide for inspections of funeral establishments. These rules are needed immediately to ensure the public welfare.

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

This rule is promulgated pursuant to RCW 18.39.175(4) which directs that the Board of Funeral Directors and Embalmers has authority to implement the provisions of chapter 18.39 RCW.

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

APPROVED AND ADOPTED March 21, 1988.

By Kenneth R. Andrews
Chairman

AMENDATORY SECTION (Amending Order PL 419, filed 1/26/83)

WAC 308-48-030 RESTRICTIONS. (1) Licensees in all their licensed activities, shall comply with all applicable Washington state laws, rules and regulations related to health or the handling or disposal of human remains.

~~(2) ((Every establishment where embalming is done shall have a separate room for the purpose, equipped in a sanitary manner, including operating table, sanitary waste receptacles and such plumbing as may be necessary for the sanitary disposal of wastes resulting from embalming, and that embalming instruments shall be properly cleaned and disinfected after each operation and shall be kept clean between operations.~~

~~(3))~~ No licensee ((σ)), apprentice, employee or agent of the licensee, in handling a dead body, shall perform any unnecessary act which will tend to affect adversely the dignity or the respectful and reverential handling and burial or other customary disposal of the dead.

~~((4))~~ (3) The care and preparation for burial or other disposition of all human dead bodies shall be private. No one shall be allowed in the embalming or preparation rooms while a dead body is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized doctors and nurses employed in a case, nor to members of the immediate family of the deceased or those authorized to be present by the decedent's next of kin.

~~((5))~~ (4) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a body in the licensee's care, custody or control to the decedent's next of kin or the proper authorities.

NEW SECTION

WAC 308-48-031 EMBALMING AND PREPARATION ROOM. (1) Embalming. No embalming of a body of a deceased person shall be performed in a funeral establishment except in a room set aside exclusively for embalming or other preparation of a body of a deceased person. Such room shall be maintained and kept in a clean sanitary condition.

(2) Embalming and preparation room. Every embalming and preparation room shall be constructed, equipped and maintained as follows:

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit which will completely remove objectionable fumes.

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only".

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse, bandages, cotton, and other waste materials.

AMENDATORY SECTION (Amending Order PL 273, filed 8/1/77)

WAC 308-48-085 FUNERAL ESTABLISHMENTS-INSPECTIONS. (1) Funeral establishments licensed under the provisions of chapter 18.39 RCW will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover the areas of sanitation and public health as well as conformity with applicable statutes and rules.

~~((3) Any unsatisfactory conditions or violations found will be the subject of reinspection prior to the expiration of thirty days. Uncorrected conditions or the continued existence of a violation will form the basis for the filing of charges and the institution of proceedings as provided for in the Administrative Procedure Act, chapter 34.04 RCW.))~~

**WSR 88-08-017
NOTICE OF PUBLIC MEETINGS
MEDICAL DISCIPLINARY BOARD
[Memorandum—March 24, 1988]**

REVISED 1988 MEETING SCHEDULE

March 18 and 19, 1988	West Seattle Community Hospital, Auditorium, Seattle
April 15 and 16, 1988	Puget Sound Hospital Board Room, Tacoma
May 20 and 21, 1988	West Seattle Community Hospital, Auditorium, Seattle
June 17 and 18, 1988	Providence Medical Center Room Three East Large, Seattle
July 15 and 16, 1988	Department of Licensing, 4th Floor Executive Conference Room, Highway-Licenses Building, Olympia
August 19 and 20, 1988	Puget Sound Hospital Board Room, Tacoma
September 16 and 17, 1988	St. Elizabeth's Medical Center, Auditorium, Yakima

October 21 and 22, 1988	Evergreen General Hospital Kirkland
November 18 and 19, 1988	Puget Sound Hospital Board Room, Tacoma
December 16 and 17, 1988	Location to be arranged

ADDRESSES:

- West Seattle Community Hospital
2600 S.W. Holden Street
Seattle, Washington 98126
- St. Elizabeth's Medical Center
110 South 9th Avenue
Yakima, Washington 98902
- Providence Medical Center
500 17th Avenue
Seattle, Washington 98124
- Puget Sound Hospital
215 South 36th Street
Tacoma, Washington 98411
- Evergreen General Hospital
12040 N.E. 128th Street
Kirkland, Washington 98034
- Department of Licensing
12th and Franklin
Olympia, Washington 98504

**WSR 88-08-018
ADOPTED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Order 167—Filed March 29, 1988—Eff. May 1, 1988]**

Be it resolved by the Higher Education Personnel Board, acting at Burke Memorial Hall, University of Washington, Seattle, Washington, that it does adopt the annexed rules relating to employee listings, amending WAC 251-14-056.

This action is taken pursuant to Notice No. WSR 88-04-069 filed with the code reviser on February 2, 1988. These rules shall take effect at a later date, such date being May 1, 1988.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED March 18, 1988.
By John A. Spitz
Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-056 EMPLOYEE LISTINGS. When elections are requested per the provisions of WAC 251-14-040, 251-14-050, 251-14-052 and 251-14-054, institutions shall, upon request from a petitioning party and/or an affected employee organization, provide copies of a current listing indicating names, mailing addresses provided by the employee at the time of hire or

subsequently, classes and work locations of all employees eligible to vote in the election.

WSR 88-08-019
PROPOSED RULES
EVERETT COMMUNITY COLLEGE

[Filed March 29, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules concerning library code, chapter 132E-168 WAC;

that the institution will at 2:00 p.m., Monday, May 16, 1988, in the Administrative Conference Room, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 28B.19 RCW.

The specific statute these rules are intended to implement is chapter 28B.19 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 16, 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:

Mr. Robert J. Drewel, President
Everett Community College
801 Wetmore
Everett, WA 98201
(206) 259-7151, ext. 202

Dated: March 28, 1988

By: Robert J. Drewel
President

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 132E-168 WAC, Library code.

Statutory Authority: Chapter 28B.19 RCW.

Summary of the Rule(s): This notice proposes a repeal of chapter 132E-168 WAC, Library code. Procedures and policies for the Everett Community College library function will be included in the Everett Community College policies and procedures manual.

The board of trustees of Washington Community College District V proposes this repeal.

Reasons Supporting the Proposed Rule(s): Library functions will be included in the Everett Community College policies and procedures manual.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Mr. Robert J. Drewel, President, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151, ext. 202.

Name of Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

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

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

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

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132E-168-010 EVERETT COMMUNITY COLLEGE—LIBRARY CODE—DEFINITIONS.

WAC 132E-168-020 EVERETT COMMUNITY COLLEGE—LOAN TIME PERIODS.

WAC 132E-168-030 EVERETT COMMUNITY COLLEGE—NUMBER OF ITEMS THAT MAY BE BORROWED.

WAC 132E-168-040 EVERETT COMMUNITY COLLEGE—RENEWAL OF LIBRARY MATERIALS.

WAC 132E-168-050 EVERETT COMMUNITY COLLEGE—FINES.

WAC 132E-168-060 EVERETT COMMUNITY COLLEGE—RESERVES.

WAC 132E-168-070 EVERETT COMMUNITY COLLEGE—HOURS OF OPENING.

WAC 132E-168-080 EVERETT COMMUNITY COLLEGE—ARCHIVAL MATERIALS.

WAC 132E-168-090 EDMONDS COMMUNITY COLLEGE LIBRARY—MEDIA CENTER.

WSR 88-08-020

EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order 88-51—Filed March 30, 1988]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to implementation of Second Substitute Senate Bill 6513 which amends chapter 43.83B RCW.

I, Phillip C. Johnson, 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 emergency rules provide the means for implementing SSSB 6513 in which the legislature has responded to forecasts of emergency water supply conditions in 1988 by authorizing ecology to take specific actions to ". . . Alleviate emergency drought

conditions to assure survival of irrigated crops and the states fisheries . . . "

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

This rule is promulgated pursuant to chapter 46, Laws of 1988, SSSB 6513, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 30, 1988.

By Phillip C. Johnson
Deputy Director

CHAPTER 173-110 WAC

1988 EMERGENCY DROUGHT RELIEF

WAC

- 173-110-010 PURPOSE.
- 173-110-020 DEFINITIONS.
- 173-110-030 GENERAL ELIGIBILITY RULE.
- 173-110-040 FORECAST OF EMERGENCY WATER SUPPLY CONDITIONS.
- 173-110-050 EMERGENCY DROUGHT PERMITS.
- 173-110-060 TRANSFERS OF WATER RIGHTS.
- 173-110-070 FUNDING ASSISTANCE—GENERAL CRITERIA.
- 173-110-080 FUNDING ASSISTANCE—AGRICULTURAL CRITERIA.
- 173-110-090 FUNDING ASSISTANCE—FISHERIES CRITERIA.
- 173-110-100 REQUESTS FOR DROUGHT RELIEF—CONTACTS—APPLICATIONS.

NEW SECTION

WAC 173-110-010 PURPOSE. The Legislature declared 1988 to be an emergency water supply year, and enacted drought relief legislation in Chapter 46, Laws of 1988 (SSSB 6513). SSSB 6513 amends Chapter 43.83B RCW (Water Supply Facilities).

(1) SSSB-6513 authorizes the Washington State Department of Ecology (Ecology) to assist in alleviating emergency drought conditions throughout the state, and sets forth the criteria and procedures for implementing the 1988 drought relief legislation.

(2) Ecology has authority under SSSB-6513 to:

- (a) Issue emergency drought permits to withdraw public waters as an alternate source of water supply.
- (b) Approve water right transfers between willing parties.
- (c) Assist in funding eligible drought projects and measures.

NEW SECTION

WAC 173-110-020 DEFINITIONS. As used in this chapter:

(1) "Emergency water supply conditions":

(a) For irrigated agriculture, are those conditions that result or are forecast to result in 75 percent or less of a normal seasonal water supply.

(b) For the fisheries resource, are those conditions that result in a particular fishery activity receiving or being forecast to receive water in an amount below an established minimum water supply; or, when funding assistance is being considered, those conditions that result in a fishery activity eligible for funding that is receiving or being forecast to receive a water supply at or below survival level.

(c) For private and public entities that are nonagricultural and non-fishery related, are those conditions that would cause a reduction in water deliveries by 20 percent or more, or where human and/or animal populations would experience undue hardship.

(2) "Normal seasonal water supply":

(a) For irrigated agriculture, is that amount of water historically withdrawn or diverted for actual crop use during an irrigation season.

(b) For the fisheries resource pertaining to fish hatcheries, is that amount or flow of water required for normal operations.

(c) For the fisheries resource pertaining to instream habitat, is that amount or flow of water that is historically required to provide normal habitat conditions for the existing fishery population.

(3) "Previously established activities":

(a) For agriculture, are those acres presently being irrigated under a water right.

(b) For the fisheries resource, are those activities presently in place where drought relief under this chapter would not lead to enhancement of the fisheries resource.

(c) For private and public entities that are nonagricultural and non-fishery related, are those water supply delivery systems that deliver to the present population, area, and/or facilities.

(4) "Established minimum" for the fisheries resource is that amount or flow of water determined as a minimum condition in a water right, Chapter 173-500 WAC, or operating procedures of the Departments of Fisheries and Wildlife.

(5) "Survival level" for the fisheries resource is that amount of water supply or flow of water that if reduced below that level would cause unreasonably high mortality rates, endangerment to fish propagation, or extreme stress to the fisheries resource as determined by Ecology after consultation with the Departments of Fisheries and Wildlife.

NEW SECTION

WAC 173-110-030 GENERAL ELIGIBILITY RULE. (1) Applications made under this chapter for emergency drought permits, water transfers, and funding assistance shall be processed for previously established activities experiencing emergency water supply conditions.

(2) All permits and approvals issued under this chapter shall be subject to existing rights.

(3) Water obtained through approval of permits, water right transfers, and/or funding assistance for projects

or measures shall be put to beneficial use as a substitute for water not available because of the drought.

NEW SECTION

WAC 173-110-040 FORECAST OF EMERGENCY WATER SUPPLY CONDITIONS. (1) Emergency water supply conditions as defined in WAC 173-110-020(1) shall be determined by Ecology after consultation with the state's Water Supply Availability Committee or its successor. The Water Supply Availability Committee includes the Soil Conservation Service, National Weather Service, U.S. Geological Survey, Department of Community Development, Department of Fisheries, Department of Wildlife, Department of Agriculture, and the U.S. Bureau of Reclamation, in addition to Ecology. These agencies, and other appropriate sources such as the Columbia River Management Group, and the U.S. Army Corps of Engineers, may be utilized as needed.

(2) The determination of emergency water supply conditions shall be based on the updated seasonal forecast as it applies to the water supply of the applicant being considered for an emergency drought permit, water right transfer, or funding assistance.

NEW SECTION

WAC 173-110-050 EMERGENCY DROUGHT PERMITS. Ecology has been given emergency powers to allow water users to obtain water from alternate sources during drought conditions. Ecology may issue emergency drought permits authorizing withdrawals of ground water and surface water including dead storage in reservoirs. Permits shall be processed under the following criteria:

(1) Applicants may be any individual or entity which owns or is authorized to exercise a water right.

(2) An application will be processed if the water user is experiencing emergency water supply conditions.

(3) Ecology shall evaluate the application, conduct an examination, and inform the applicant in writing within three weeks of receiving the application whether it has been approved, denied, or that further investigation is needed.

(4) Waters authorized to be withdrawn shall be used in relation to a previously established activity as defined in this chapter. The permit shall not cover irrigation of new lands, enhancement of the fisheries resource, or a water supply in addition to the normal amount used in the past by individuals, private entities, or public bodies.

(5) Waters to be withdrawn shall constitute an alternate (supplemental) water supply to the user's normal source of water.

(6) The withdrawal shall not reduce flows or levels below essential minimums necessary to assure the maintenance of fisheries requirements and to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

(7) Emergency drought permits issued under this chapter shall expire no later than April 30, 1989.

(8) In order to expedite the issuance of emergency drought permits, Ecology is authorized to process the

applications and issue the permits without compliance with requirements for:

(a) notice of newspaper publication.

(b) the State Environmental Policy Act.

(9) Every effort shall be made to expedite local, state, and federal review and involvement. Agencies that may be affected by the emergency drought permits shall be allowed 15 calendar days from the date of their receipt of the application to respond with comments to Ecology.

NEW SECTION

WAC 173-110-060 TRANSFERS OF WATER RIGHTS. (1) Ecology is authorized to approve emergency water right changes in order to effect a transfer of water between willing parties. Water right changes can include purpose of use, place of use, and point of diversion.

(2) Examples of possible water right transfers include, among others, the following situations:

(a) Where a water right holder elects to reduce irrigated acreage and subsequently transfers the unused water to another user whose normal water supply is decreased by drought conditions.

(b) Where a water right holder elects to use less water than used beneficially, and historically, but does not reduce irrigated acreage, and subsequently transfers the unused water to another user whose normal water supply is decreased by drought conditions.

(c) Water right transfers between municipalities or other public utilities; and transfers from out-of-stream use to instream use.

(3) Requests for water right transfers shall be processed under the following criteria:

(a) All approvals by Ecology for water right transfers under this chapter shall be temporary in nature for the purpose of alleviating emergency water supply conditions and these approvals shall terminate no later than April 30, 1989.

(b) Water right transfers between willing parties may be approved when an emergency exists if such a transfer will not adversely affect existing rights, or reduce flows or levels below essential minimums, or adversely affect federal and state interests including, among others, power generation and navigation.

(c) In order to expedite water transfers during drought conditions, Ecology can approve temporary changes in water rights without compliance with requirements for:

(i) Notice of newspaper publication.

(ii) The State Environmental Policy Act.

(d) In those cases where temporary water transfers require court approval while general adjudication proceedings are ongoing, Ecology shall assist the court in coordination, maintaining communications, and providing technical assistance when requested.

(e) As a protection for those engaging in a transfer of water rights, the temporary changing of a water right under this chapter shall not be admissible as evidence in either supporting or the contesting of the validity of water claims in the state of Washington.

(f) Every effort shall be made to expedite local, state, and federal review and involvement. Agencies that may

be affected by water right transfers shall be allowed 15 calendar days from the date of their receipt of the application to respond with comments to Ecology.

(g) Ecology shall evaluate the application, conduct an examination, and inform the applicant in writing within three weeks of receiving the application whether it has been approved, denied, or that further investigation is needed.

NEW SECTION

WAC 173-110-070 FUNDING ASSISTANCE—GENERAL CRITERIA. Ecology may provide funding assistance to public bodies for projects and measures designed to alleviate emergency water supply conditions relating to agricultural and fisheries survival. The assistance is available in the approximate amount of \$4 million from Emergency Water Supply funds under Chapter 43.83B.300 RCW. General criteria under which funds shall be provided:

(1) Public bodies eligible to receive emergency funds are as defined in Chapter 43.83B.050 as "...the State of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the State of Washington."

(2) Scope of funding assistance shall be for planning, acquisition, construction, rehabilitation, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated agriculture and the state's fisheries resource.

(3) Allocation of total available funds may be up to 10 percent for the state's fisheries resource.

(4) Funding assistance may be in the form of a loan or a grant or a combination loan and grant.

(5) Emergency loans may be approved with a payback period not to exceed 15 years, and with interest at a rate of 8-3/4 percent per annum through April 30, 1989.

(6) Every effort shall be made by Ecology to expedite processing of applications for funding assistance. Ecology shall assist the applicant in identifying permits and approvals that are required. Agencies that are affected by the proposed project or measure shall be allowed 15 calendar days from the date of their receipt of the application to respond with comments to Ecology. Ecology shall process the application for funding assistance and respond to the applicant in writing within three weeks of receiving the application with approval, denial, or that further investigation is needed.

(7) In order to expedite the implementation of drought relief projects and measures, Ecology can approve funding assistance without compliance with requirements for:

(a) notice of publication.

(b) the State Environmental Policy Act.

NEW SECTION

WAC 173-110-080 FUNDING ASSISTANCE—AGRICULTURAL CRITERIA. (1) Funding assistance

to alleviate drought conditions in irrigated agriculture shall be provided under the following formula:

(a) No single entity shall receive more than 10 percent of the total funds available for drought relief.

(b) A loan may be made up to 90 percent of total eligible project costs.

(c) A combination loan and grant may be made up to 100 percent of total eligible project costs.

(d) A grant or the grant portion of a combination loan and grant may be made for 20 percent of total eligible project costs if the public body being provided funds is receiving or is forecast to receive 75 percent or less of normal seasonal water supply.

(e) The grant or grant portion of a combination loan and grant may be made up to 40 percent of total eligible project costs if the public body being provided funds is receiving or is forecast to receive 50 percent or less of normal seasonal water supplies.

(f) If emergency water supply conditions is defined in this chapter change after a grant has been signed for 20 percent of eligible project costs, an amendment may be made to increase the grant up to 40 percent of eligible project costs, provided that the grantee qualifies for the higher grant as defined in subsection (d) above; and provided that the original grant contract has not been terminated or closed out.

(2) Eligibility conditions for each proposed agricultural project or measure are:

(a) Emergency water supply conditions shall exist as defined in 173-110-020 (1)(a).

(b) The proposed project or measure shall assist in alleviating a water shortage.

(c) The public body recipient shall be capable of repaying the loan and completing the project or measure.

(d) Water derived from the project or measure shall be put to beneficial use as a substitute for water not available because of a drought.

(e) Water derived from the project or measure shall not be used to irrigate new lands.

(f) The proposed project or measure shall not adversely affect existing rights, including both instream and out-of-stream rights.

(g) All required permits and approvals for the proposed project or measure shall be obtained by the applicant prior to a contract being signed.

(3) Eligible projects that may be funded for drought relief of irrigated agriculture include but are not limited to:

(a) Pumps and accessories.

(b) Discharge lines.

(c) Pipelines.

(d) Canals and laterals with control structures.

(e) Liners for leaky pipes and canals.

(f) Diversion structures.

(g) Reregulating reservoirs.

(h) Measuring devices.

(i) Wells with pumps and accessories.

(4) Eligible measures that can receive funding assistance may include the means for acquiring an alternate water source or for transfer of water rights, such as:

(a) Water leasing fees,

(b) Repair costs,

(c) Powers costs; provided that the proposed measure represents an additional cost to the applicant for meeting water needs under emergency water supply conditions, and not as a substitute for normal water supply costs.

(5) Priority shall be established for proposed agricultural projects and measures based on need. Need shall be measured by:

(a) The percent of water shortage expected for each applicant.

(b) The short-term and long-term effects that the water shortage would have on the applicant's crops in the absence of drought relief.

(c) The capability and reliability of the proposed project or measure to provide an emergency water supply to the applicant.

(d) Preference will be given to perennial crops over annual crops, and to those public bodies implementing other drought contingency actions in addition to the funding assistance applied for under this chapter.

NEW SECTION

WAC 173-110-090 FUNDING ASSISTANCE—FISHERIES CRITERIA. (1) Funding assistance to alleviate drought conditions relating to the state's fisheries resource shall be provided under the following formula:

(a) A loan may be made for up to 90 percent of total eligible project costs.

(b) A combination loan and grant may be made up to 100 percent of total eligible project costs.

(c) A grant or the grant portion of a combination loan and grant may be made for 20 percent of total eligible project costs if the public body being provided funds is receiving or is forecast to receive 75 percent or less of a normal seasonal water supply.

(d) The grant or the grant portion of a combination loan and grant may be made up to 40 percent of total eligible project costs if the public body being provided funds is receiving or is forecast to receive 50 percent or less of a normal seasonal water supply.

(2) Eligibility conditions for each proposed fisheries project are:

(a) Emergency water supply conditions exist.

(b) The proposed project shall assist in alleviating the water shortage.

(c) Water from the proposed project shall be put to beneficial use as a substitute for water not available because of the drought.

(d) Water derived from projects that are provided funding assistance shall not be used to enhance the fisheries resource.

(3) Eligible projects that may be funded for drought relief of the fisheries resource include, but are not limited to, protection of fishery culture at hatcheries such as:

(a) Purchase and installation of water-reuse pumps.

(b) Modifying hatchery outlet structures.

(c) Modifying stream channels adjacent to a hatchery to assure passage to the holding pond.

(d) Off-site collection of oxygen levels in holding ponds by purchase and installation of bottle gas (using air stones), or oxygen generation system, or mechanical aeration.

(4) Eligible projects that may be funded for drought relief of the fisheries resource include protection of in-stream fisheries habitat such as:

(a) Water supply augmentation using surface water or ground water supplies and water transfers.

(b) Stream channel modification such as trenching, sandbagging, or berming to protect spawning gravels or migratory channels.

(c) Capture and hauling.

(5) The Department of Fisheries and Wildlife shall be consulted to verify eligibility, needs, and nature of all proposed fisheries projects and measures.

NEW SECTION

WAC 173-110-100 REQUESTS FOR DROUGHT RELIEF—CONTACTS—APPLICATIONS. (1) Information regarding implementation of this chapter, and applications for emergency drought permits, water right transfers, and/or funding assistance can be obtained from Ecology Headquarters Office or from any of the four Ecology regional offices.

(2) Ecology actions relating to emergency drought permits and water right transfers shall be conducted by the appropriate Ecology regional office.

(3) Ecology Headquarters Office, Water Resources Program shall administer funding assistance and manage the drought relief program in accordance with this chapter.

(4) Contact with Ecology can be made at the following addresses and phone numbers:

(a) Department of Ecology
Headquarters Office
Water Resources Program
Mail Stop PV-11
Olympia, Washington 98504
Phone (206) 459-6167 or
(206) 459-6115 or
(206) 459-6114

(b) Department of Ecology
Central Regional Office
3601 West Washington
Yakima, Washington 98903-1164
Phone (509) 575-2800

(c) Department of Ecology
Eastern Regional Office
North 4601 Monroe, Suite 100
Spokane, Washington 99205-1295
Phone (509) 456-2926

(d) Department of Ecology
Northwest Regional Office
4350 - 150th Ave. N.E.
Redmond, Washington 98052-5301
Phone (206) 867-7000

(e) Department of Ecology
Southwest Regional Office
7272 Cleanwater Lane
Olympia, Washington 98504-6811
Phone (206) 753-2353

WSR 88-08-021

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed March 30, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning Examination—Eligibility—Right of appeal, amending WAC 251-17-170.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 10, 1988.

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

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

Dated: March 30, 1988

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on March 30, 1988, and is filed pursuant to RCW 34.04.025.

Description of Purpose: This revision is a housekeeping change to refer to the correct subsection within the rule.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Title: WAC 251-17-170 Examination—Eligibility—Right of appeal.

Summary of Rule: This is intended for housekeeping changes only to refer to the correct subsection in this rule.

Reasons Supporting Proposed Action: Housekeeping changes only.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This change is not a result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-17-170 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL. (1) A person shall have the right to appeal the following to the higher education personnel board as provided in subsection ((2)) (3) of this section:

(a) Rejection of his/her application; or

(b) The results of the institutional examination review process per WAC 251-17-160 (1)(b); or

(c) The conduct of the selection process and/or his/her examination results; or

(d) Failure to restore his/her name to an eligible list following the institutional review process per WAC 251-18-200(4); or

(e) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

(2) Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-17-010 (1) through (8) in accordance with WAC 251-12-075.

(3) Such appeal must be in writing and filed in the office of the director within thirty calendar days after either service of the results of the institutional review or the effective date of the action appealed. The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction, or dismissal, as provided in WAC 251-12-080 through 251-12-260, except for WAC 251-12-110; or

(b) The director may investigate the case and issue a determination.

(i) When the appellant is a classified employee, within thirty calendar days of the date of service of the determination to the appellant and the institution, either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety;

(ii) When the appellant is not a classified employee, the director's determination shall be final and binding; or

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

WSR 88-08-022

PROPOSED RULES

EVERETT COMMUNITY COLLEGE

[Filed March 30, 1988]

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

- Rep WAC 132E-124-030 Everett Community College distribution of literature procedures—Smoking regulations.
- Rep WAC 132E-124-040 Everett Community College distribution of literature procedures—No smoking signs.
- Rep WAC 132E-124-050 Everett Community College distribution of literature procedures—Violation penalty.
- Rep WAC 132E-124-060 Everett Community College distribution of literature procedures—Smoking regulations;

that the institution will at 2:00 p.m., Monday, May 16, 1988, in the Administrative Conference Room, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 28B.19 RCW.

The specific statute these rules are intended to implement is chapter 28B.19 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 16, 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:

Mr. Robert J. Drewel, President
Everett Community College
801 Wetmore
Everett, WA 98201
(206) 259-7151, ext. 202

Dated: March 28, 1988

By: Robert J. Drewel
President

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 132E-124-030 Everett Community College distribution of literature procedures—Smoking regulations; 132E-124-040 Everett Community College distribution of literature procedures—No smoking signs; 132E-124-050 Everett Community College distribution of literature procedures—Violation penalty; and 132E-124-060 Everett Community College distribution of literature procedures—Smoking regulations.

Statutory Authority: Chapter 28B.19 RCW.

Summary of the Rule(s): This notice proposes a repeal of chapter 132E-124 WAC, WAC 132E-124-030, 132E-124-040, 132E-124-050 and 132E-124-060 addressing smoking regulations. These regulations will become a part of the policy and procedures manual for Everett Community College (EAC).

The board of trustees of Washington Community College District V proposes this repeal.

Reasons Supporting the Proposed Rule(s): Smoking regulations will become a part of the policy and procedures manual for Everett Community College, District V.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Mr. Robert J. Drewel, President, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151, ext. 202.

Name of Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

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

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

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132E-124-030 EVERETT COMMUNITY COLLEGE DISTRIBUTION OF LITERATURE PROCEDURES—SMOKING REGULATIONS.

WAC 132E-124-040 EVERETT COMMUNITY COLLEGE DISTRIBUTION OF LITERATURE PROCEDURES—NO SMOKING SIGNS.

WAC 132E-124-050 EVERETT COMMUNITY COLLEGE DISTRIBUTION OF LITERATURE PROCEDURES—VIOLATION PENALTY.

WAC 132E-124-060 EVERETT COMMUNITY COLLEGE DISTRIBUTION OF LITERATURE PROCEDURES—SMOKING REGULATIONS.

WSR 88-08-023

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LICENSING (Escrow Commission)

[Memorandum—March 28, 1988]

The following is a schedule for the Washington State Escrow Commission meetings:

May 11, 1988, 10:00 a.m.
Seattle Department of Licensing
464 12th Avenue, Suite 300
Seattle, WA

September 22, 1988, 10:00 a.m.
Executive Inn
242 St. Helens Avenue
Tacoma, WA

November 9, 1988, 10:00 a.m.
West Coast Sea-Tac Hotel
18220 Pacific Highway South
Seattle, WA

WSR 88-08-024

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LICENSING (Real Estate Commission)

[Memorandum—March 28, 1988]

The following is a schedule for the Washington State Real Estate Commission meetings:

June 21, 1988, 9:30 a.m.
West Coast Hotel
201 North Wenatchee Avenue
Wenatchee, WA

September 13, 1988, 9:30 a.m.
Washington State Convention
and Trade Center
720 Olive Way, Suite 1515
Seattle, WA

December 9, 1988, 9:30 a.m.
Seattle Airport Hilton
17620 Pacific Highway South
Seattle, WA

WSR 88-08-025
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed March 31, 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 quality standards, WAC 314-24-060;

that the agency will at 9:30 a.m., Tuesday, May 10, 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.

The specific statute these rules are intended to implement is RCW 66.08.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

Dated: March 30, 1988
 By: L. H. Pedersen
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-24-060 Quality standards.

Description of Purpose: To allow for a higher standard of volatile acidity levels in wine which have a total solid of 28 or more degrees brix in accordance with commercial practices recognized in the wine industry.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.030.

Summary of Rule: The rule currently sets maximum volatile acid levels for red wine and all other wines. We are now finding that high volatile acidity levels are not unusual in wines which are made from very sweet grapes. The high sugar level results from a partial dehydration of the berries (grapes) by the Botrytis cinerea mold.

Reasons Supporting Proposed Action: The amendment as proposed will allow for a higher acid level in wine made from unameliolated juice having total solids of 28 or more degrees brix. High volatile acidity levels in the sweet "late harvest" style wines seem to complement the overall aromatic quality of these wines, while the same compound gives rise to a spoiled, vinegary aroma in other than "late harvest" wines.

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

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

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

Small Business Economic Impact Statement: No negative cost impact is expected for this rule amendment.

AMENDATORY SECTION (Amending Order 205, Resolution No. 214, filed 11/25/86)

WAC 314-24-060 QUALITY STANDARDS. All wines of the types and classes hereinafter set forth sold in the state of Washington shall meet the following requirements.

Acid content:

(1) Volatile acids:

- (a) Red table wines Not over 0.14%, exclusive of sulfur dioxide, calculated as acetic acid.
- (b) All other wines Not over 0.12%, exclusive of sulfur dioxide, calculated as acetic acid.
- (c) Exception A higher volatile acidity level is permitted of 0.15 gram per 100 milliliters for white wine and 0.17 gram per 100 milliliters for red wine produced from unameliolated juice having a minimum solids content of 28 degrees Brix.

(2) Fixed acids:

- (a) Grape wine:
 - (i) Table wine . . . Not less than 0.4% calculated as tartaric acid.
 - (ii) Dessert wine . . . Not less than 0.25% calculated as tartaric acid.
- (b) Apple wine Not less than 0.15% calculated as malic acid.
- (c) Fruit wine Not less than 0.5% calculated as citric acid.
- (d) Berry wine Not less than 0.5% calculated as citric acid.

(3) Brix (balling):

- (a) Port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (b) White port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (c) Muscatel wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (d) Tokay wine Minimum of 3.5 Brix at 20 degrees centigrade.
- (e) Dry sherry wine Under 0.5 Brix at 20 degrees centigrade.
- (f) Sherry wine Under 3 Brix at 20 degrees centigrade.
- (g) Creme or sweet sherry wine Above 3 Brix at 20 degrees centigrade.

(4) Sulfur dioxide: Maximum of 350 parts per million total.

(5) Preservatives: No wines shall contain preservatives such as benzoic acid, salicylic acid or monochloroacetic acid, or their derivatives except that wines classified as specialty wine in accordance with WAC 314-24-003 (2)(w) may use benzoic acid or its derivatives if such use has been approved by the United States Food and Drug Administration.

(6) Stability: All wines shall be free from precipitates, colloidal matter, metallic casse, haze due to yeast, bacteria, tartrates, or other causes as determined by usual stability tests: PROVIDED, HOWEVER, That sediment may be allowed at the discretion of the board when it occurs in accordance with commercial standards commonly accepted by trade designations as normal and indicative of the wine's composition.

WSR 88-08-026

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-03—Filed March 31, 1988]

I, Joe Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the list of attorneys who are eligible for appointment as special assistant attorneys general to represent the department pursuant to RCW 51.24.110. The rules describe the

qualifications necessary for inclusion on the list and the method of applying for inclusion.

This action is taken pursuant to Notice No. WSR 88-04-050 filed with the code reviser on January 29, 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 51.24.110 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 31, 1988.

By Joseph A. Dear
Director

NEW SECTION

WAC 296-14-900 PURPOSE. WAC 296-14-900 through 296-14-960 implement RCW 51.24.110, which authorizes the department to maintain a list of attorneys from which the attorney general may appoint special assistant attorneys general to represent the department in causes of action under RCW 51.24.050.

NEW SECTION

WAC 296-14-910 DEFINITIONS. In WAC 296-14-900 through 296-14-960:

(1) "Assistant director" means the assistant or deputy director of the industrial insurance division of the department.

(2) "Department" means the department of labor and industries.

NEW SECTION

WAC 296-14-920 QUALIFICATION CRITERIA. To qualify for the list of attorneys from which appointments may be made to represent the department as special assistant attorneys general, an attorney must meet the following minimum criteria. An attorney must:

(1) Be an active member of the Washington State Bar Association;

(2) Maintain a trust account in compliance with the Rules of Professional Conduct; and

(3) Have and maintain in force professional liability insurance.

NEW SECTION

WAC 296-14-930 APPLICATION BY ATTORNEYS. (1) An attorney who meets the qualification criteria may seek inclusion on the list of attorneys by filing an application with the assistant director. Application forms may be obtained from the office of the attorney general, the Washington State Bar Association, or the assistant director.

(2) The application form shall be prepared by the department in consultation with the office of the attorney general. The application shall require the applicant to

declare under penalty of perjury that the information is true and shall require the applicant to inform the assistant director and the attorney general of any changes in his or her qualifications.

NEW SECTION

WAC 296-14-940 LIST OF ATTORNEYS. (1) The department shall determine whether an attorney meets the criteria of WAC 296-14-920. The department may consult with the Washington State Bar Association and the office of the attorney general if necessary to make the determination.

(2) After an attorney has been entered on the list of attorneys, the assistant director shall forward the attorney's completed application form to the attorney general.

(3) The assistant director shall maintain the list of attorneys from which the attorney general may appoint special assistant attorneys general to represent the department.

(4) The assistant director shall, once every three months, provide the attorney general and the Washington State Bar Association with a current copy of the list of attorneys.

NEW SECTION

WAC 296-14-950 APPOINTMENT OF ATTORNEY AS SPECIAL ASSISTANT. (1) In its sole discretion, the department may ask the attorney general to appoint a special assistant attorney general to represent the department on any particular cause of action assigned to the department under RCW 51.24.050.

(2) Upon receipt of a request from the department, the attorney general may appoint as a special assistant attorney general an attorney from the list of attorneys maintained by the assistant director. The attorney general may also appoint to represent the department a regularly employed assistant attorney general. The department recognizes that the appointment is entirely within the discretion of the attorney general.

(3) An appointment of an attorney from the list shall be made pursuant to contract between the attorney general and the attorney. The contract shall specify the method of compensation for the attorney.

(4) RCW 51.24.110 and WAC 296-14-900 through 296-14-960 do not give to attorneys on the list any right to or any expectation of employment as a special assistant attorney general.

NEW SECTION

WAC 296-14-960 LIMITATIONS OF APPOINTMENT. (1) An appointment may be made pursuant to this chapter only in causes of action assigned to the department under RCW 51.24.050.

(2) An appointment shall be for the single case only unless the contract of appointment specifically states otherwise.

(3) Under any appointment made pursuant to this chapter, the client of the special assistant attorney general is the department, not the injured worker.

WSR 88-08-027

ADOPTED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT
(Fire Protection)

[Order FPS 88-01—Filed March 31, 1988]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at the 9th and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, the annexed rules relating to fireworks, chapter 212-17 WAC.

This action is taken pursuant to Notice No. WSR 88-03-014 filed with the code reviser on January 11, 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 chapter 70.77 RCW, State fireworks law, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 31, 1988.

By John Swannack
Director

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-001 TITLE. These rules shall be known as the "rules of the ~~((state fire marshal))~~ director of fire protection relating to fireworks," and may be cited as such.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-010 PURPOSE. The purpose of these rules is to implement the state fireworks law, chapter 70.77 RCW, administered and enforced by the ~~((state fire marshal))~~ director of fire protection.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-060 PUBLIC PURCHASE OF FIREWORKS. (1) The public may purchase common fireworks only from licensed retail fireworks stands between noon, June 28th and noon, July 6th of each year. Purchase or discharge is prohibited between the hours of 11:00 p.m. and 9:00 a.m. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection (2) of this section.

(2) Religious organizations or private organizations or adult persons may be authorized to purchase common fireworks or such audible ground devices as firecrackers, salutes, and chasers, as defined in WAC 212-17-040 (3) and (4) from licensed manufacturers, importers, or wholesalers for use on prescribed dates and locations for religious or specific purposes, when a permit is obtained from the fire chief or other designated local official. Application shall be on forms provided by the ~~((state fire~~

~~marshal))~~ director of fire protection and shall contain the following information: (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks; (b) the date and time of the proposed discharge; (c) the location of the proposed discharge; (d) the quantity and type of fireworks desired to be purchased and discharged; (e) the reason or purpose of the discharge; and (f) the signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not." Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks.

(3) The purchase or receipt of mail-order fireworks through any medium of either interstate or intrastate commerce is prohibited unless the purchaser has first obtained an importers license or has complied with the provisions of subsection (2) of this section.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-065 FIREWORKS MANUFACTURER—GENERAL. Persons intending to manufacture fireworks in this state shall procure a license from the ~~((state fire marshal))~~ director of fire protection and a permit from the local governmental agency having jurisdiction prior to engaging in business. Applications for license shall be made on forms provided by the ~~((state fire marshal))~~ director of fire protection and the annual license fee shall accompany the application. License applications shall be made on or before January 31 of the year for which the license is desired. Fireworks manufacturers domiciled in other than the state of Washington shall have a designated agent in the state of Washington, registered with the ~~((state fire marshal))~~ director of fire protection.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-070 FIREWORKS MANUFACTURER—LICENSING. Upon receipt of application and license fee, the ~~((state fire marshal))~~ director of fire protection will cause an investigation to be made. If the investigation discloses compliance with state laws governing the manufacture of fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. License applications shall be either granted or denied by the ~~((state fire marshal))~~ director

of fire protection within ninety days following receipt of a properly submitted or amended application.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-085 FIREWORKS MANUFACTURER—RECORDS AND REPORTS. Manufacturers shall, when requested to do so, submit written reports on production, sale and distribution of fireworks and name of the person to whom such fireworks were sold to the (~~state fire marshal~~) director of fire protection.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-115 FIREWORKS WHOLESALER—GENERAL. Fireworks wholesaler licenses cover those persons engaged in the business of selling fireworks at wholesale to licensed persons in this state. Wholesale licensees may transport the class of fireworks for which they hold a valid license. Fireworks wholesalers domiciled in other than the state of Washington shall have a designated agent in the state of Washington, registered with the (~~state fire marshal~~) director of fire protection.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-120 FIREWORKS WHOLESALER—LICENSING. Persons intending to engage in the sale of fireworks at wholesale in this state shall procure a license from the (~~state fire marshal~~) director of fire protection. A permit from the local governmental agency having jurisdiction shall also be obtained for the storage of all classes and types of fireworks in possession of the wholesaler licensee. The application shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application. License applications shall be made on or before January 31 of the year for which the license is desired.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-125 FIREWORKS WHOLESALER—INVESTIGATION. Upon receipt of an application and the license fee, the (~~state fire marshal~~) director of fire protection will cause an investigation to be made. If the investigation discloses compliance with state laws governing fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why the license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. License applications shall be either granted or denied by the (~~state fire marshal~~) director of fire protection within ninety days following receipt of a properly submitted or amended application.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-135 FIREWORKS WHOLESALER—LICENSE LIMITATIONS. (1) A fireworks wholesaler's license authorizes the holder to engage only in the sale of fireworks at wholesale. A fireworks wholesaler's license entitles him to sell fireworks to licensed retailers, licensed public display operators, other licensed wholesalers, religious organizations or private organizations or adult persons authorized to purchase specific fireworks items in accordance with WAC 212-17-060(2). Fireworks wholesaler licensees desiring to engage in other types of fireworks business shall first secure the necessary license as required by the state fireworks law.

(2) By virtue of its license, a licensed fireworks wholesaler is permitted to sell fireworks for direct shipment out of this state. Such shipment must be made by a public carrier or by the wholesaler in vehicles owned or leased by the wholesaler.

(3) It is unlawful for a licensed fireworks wholesaler to sell fireworks, at wholesale or retail, for direct shipment out of this state, or delivery into another state, to any person who does not possess and present to the wholesaler for inspection at the time of sale, a valid license and/or permit, where such a license and/or permit is required to purchase, possess, transport, store, distribute, sell, or otherwise deal with or use fireworks by the laws of such other state specifically prohibiting or regulating the use of fireworks.

(4) The burden of ascertaining whether the laws of such other state require a license and/or permit and whether the purchaser possesses such a valid license and/or permit shall be entirely on the wholesaler. The wholesaler shall record, in a manner prescribed by the director of fire protection, each sale as described in this section, to include the type and quantity of fireworks sold, name of purchaser, state of destination, state issuing license and/or permit, and number or other identifying description and date of issue of license and/or permit.

(5) Each sale of fireworks in violation of this section shall be considered a separate offense. Notwithstanding the existence or use of any other remedy, any wholesaler violating this section may be enjoined from continuing such violation.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-140 FIREWORKS WHOLESALER—RECORDS AND REPORTS. (1) The licensee shall maintain and make available to the (~~state fire marshal~~) director of fire protection full and complete records including imports, purchases, sales, and consumption of fireworks items by kind and class.

(2) The licensee shall file a report annually of all fireworks transactions during the calendar year by class and kind, including imports, purchases, sales and consumption. Reports shall be on forms as provided by the director of fire protection and must be filed with the director

of fire protection at the time application is made for renewal of the wholesalers license or before. Supporting records to verify the totals included in the report shall be maintained and made available for review by the director of fire protection.

(3) Additional reports, as may be determined necessary by the director of fire protection for the proper administration of the state fireworks law, shall be submitted as requested in a timely manner.

(4) Information provided pursuant to this chapter shall be considered proprietary and therefore not subject to disclosure, only insofar as such exemption is provided by chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-170 IMPORTERS OF FIREWORKS—LICENSING. Every person who desires to import fireworks to this state shall file application and procure a license. Application shall be made on forms provided by the ~~((state fire marshal))~~ director of fire protection and shall be accompanied by the required license fee. License applications shall be made on or before January 31 of the year for which the license is desired. The application shall be either granted or denied by the ~~((state fire marshal))~~ director of fire protection within ninety days following receipt of a properly submitted or amended application.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-185 RETAILERS OF FIREWORKS—GENERAL. Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the ~~((state fire marshal))~~ director of fire protection. In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction. The application shall be made on forms provided by the ~~((state fire marshal))~~ director of fire protection and shall be accompanied by the license fee of ten dollars. License applications shall be made on or before June 10 of the year for which the license is desired. The ~~((state fire marshal))~~ director of fire protection shall grant or deny the license within fifteen days of receipt of the application. Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained. A retailer's license to sell fireworks shall not authorize licensee to engage in any other fireworks activity. Retailers are limited to selling only those fireworks which have been approved for sale to the public and appear on the list of approved fireworks published annually by the ~~((state fire marshal))~~ director of fire protection. A copy of the list shall be prominently posted at each retail outlet.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-195 RETAILERS OF FIREWORKS—SALES LOCATIONS. (1) Fireworks sold at retail shall be sold only:

- (a) In roadside stands; or

(b) Buildings used for no other purpose.

(2) Roadside stands shall meet all applicable fire codes for temporary structures and shall be separated from public ways, property lines, and permanent structures as required by local officials.

(3) Buildings shall be permanent structures of not over five hundred square feet in area, used exclusively for retail firework sales. "Building," for this purpose, does not include subdivided areas within a building or structure. Buildings used for retail firework sales shall be separated from other buildings in which flammable or combustible materials or fireworks are stored, or in which people regularly congregate, by a minimum distance of fifty feet.

(4) Fireworks offered for retail sale in a roadside stand or building must be protected from direct contact and handling by the public at all times. Self-serve or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited. A sales clerk must be on duty to serve the customer at the time of purchase.

(5) Each retail fireworks location shall have not less than two water-type extinguishers of not less than two and one-half gallon capacity or alternate equipment deemed equivalent by the local fire authority.

~~((3))~~ (6) During the hours that a fireworks stand or location is not open for business, it shall be closed and locked unless all fireworks have been removed.

AMENDATORY SECTION (Amending Order FM 84-05, filed 11/9/84)

WAC 212-17-203 RETAILERS OF FIREWORKS—LIST TO BE POSTED. Retailers shall post prominently at each retail outlet a list of the fireworks that may be sold to the public. The posted list shall be in a form approved by the ~~((state fire marshal))~~ director of fire protection. The ~~((state fire marshal))~~ director of fire protection shall make available the list.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-225 PYROTECHNIC OPERATORS—APPLICATION FOR LICENSE. Application for license shall be made on forms prepared by the ~~((state fire marshal))~~ director of fire protection and shall be accompanied by the annual license fee. Every applicant for a pyrotechnic operators license shall take and pass a written examination administered by the ~~((state fire marshal))~~ director of fire protection and shall submit evidence attesting to the qualifications and experience of the applicant, including participation in the firing of at least six public displays as an assistant, at least one of which shall have been in the current or preceding year.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-230 PYROTECHNIC OPERATORS—EXAMINATION, INVESTIGATION AND LICENSING. Upon receipt of application and license fee, the ~~((state fire marshal))~~ director of fire protection

shall cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. Past experience in assisting in public displays shall be verified with the licensed pyrotechnic operator under whose supervision the applicant assisted. If experience requirements are satisfactory, the ~~((state fire marshal))~~ director of fire protection shall schedule a written examination for the applicant. A passing score of at least seventy percent shall be attained on the written examination. An applicant failing the written examination may reapply within thirty days to retake the examination. No reexamination shall be taken within thirty days of the previous and no more than two examinations may be taken by the applicant in the same calendar year. Any applicant failing to appear for the written examination at the time and location established or who fails the written examination and fails to reapply within thirty days, or fails the examination on the second attempt, is deemed to have forfeited the license fee. The ~~((state fire marshal))~~ director of fire protection shall grant or deny the license on the basis of the investigation and examination.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-235 PYROTECHNIC OPERATORS—RESPONSIBILITY. The pyrotechnic operator shall be responsible for properly setting up the fireworks public display in accordance with the rules and regulations of the ~~((state fire marshal))~~ director of fire protection. He shall determine that all the mortars, set pieces, are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. He shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

The pyrotechnic operator shall refuse to fire any fireworks that are deemed by him to be unsafe or where its discharge might jeopardize life or property.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-245 PUBLIC DISPLAYS OF FIREWORKS—GENERAL. Persons desiring to hold a public display of fireworks shall secure a license from the ~~((state fire marshal))~~ director of fire protection and a permit from the governmental agency having jurisdiction. Application for local permit must be made at least ten days in advance.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-250 APPLICATION, STATE LICENSE. Application for fireworks public display license shall be made on forms provided by the ~~((state fire marshal))~~ director of fire protection and shall be accompanied by the prescribed license fee.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-260 GENERAL LICENSES. Application for a "general" license to hold public displays of fireworks shall be accompanied by a surety bond or a certificate evidencing public liability insurance. Such bond and public liability insurance shall be noncancellable except upon fifteen days' written notice by the insurer to the ~~((state fire marshal))~~ director of fire protection.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-265 REPORTS. General public display permit application licensees shall submit Part III of the fireworks display permit application to the ~~((state fire marshal))~~ director of fire protection, prior to date of each display contemplated under their general license.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-270 LOCAL PERMIT, APPLICATION FOR. When applying for permit, applicant shall submit information and evidence to local fire authorities covering the following:

- (1) The name of the organization sponsoring the display, if other than the applicant.
- (2) The date the display is to be held.
- (3) The exact location for the display.
- (4) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks and the name of at least one experienced assistant.
- (5) The number of set pieces, shells (specify single or multiple break), and other items.
- (6) The manner and place of storage of such fireworks prior to the display.
- (7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
- (8) Documentary proof of procurement of:
 - Surety bond;
 - Public liability insurance; or
 - A ~~((state fire marshal's))~~ director of fire protection's "general license" for the public display of fireworks.
- (10) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-335 PUBLIC DISPLAY—FIRING OF SHELLS. (1) Shells shall be carried from the storage area to the discharge site only by their bodies, never by their fuses.

(2) Shells shall be checked for proper fit in their mortars prior to the display.

(3) When loaded into mortars, shells shall be held by the thick portion of their fuses and carefully lowered into the mortar. At no time shall the operator place any part of his body over the throat of the mortar.

(4) The operator shall be certain that the shell is properly seated in the mortar.

(5) Shells shall not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired; they shall be disposed of according to the supplier's instructions.

(6) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

(7) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell is to be fired.

(8) The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the potential landing area.

(9) The mortars shall be re-angled or reset if necessary at any time during the display.

(10) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of five minutes, then carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

(11) Operators shall never attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

(12) Operators shall never dry a wet shell, lance, or pot for reuse. In such cases, the shell, lance, or pot shall be handled according to disposal procedures.

(13) The entire firing range shall be inspected immediately following the display for the purpose of locating any defective shells. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

(14) When fireworks are displayed at night, the licensee shall insure that the firing range is inspected early the following morning.

(15) The operator of the display shall keep a record, on a form provided by the ~~((state fire marshal))~~ director of fire protection, of all shells that failed to ignite or fail to function. The form shall be completed and returned to the ~~((state fire marshal))~~ director of fire protection. Failures shall also be reported to the supplier.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-345 REPORTS. After every public display, it shall be the responsibility of the licensed pyrotechnic operator in charge of the display to submit a

written report to the ~~((state fire marshal))~~ director of fire protection, within ten days following the display, covering:

(1) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.

(2) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(3) A brief account of any fires caused by fireworks.

(4) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(5) The names of pyrotechnic assistants who satisfactorily assisted in all phases of the display, if other than those shown on the license.

Failure to file this report shall constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal.

NEW SECTION

WAC 212-17-352 TRANSPORTATION—BY COMMON CARRIER. No common carrier, as defined in RCW 81.29.010, shall deliver fireworks from an out-of-state shipper to any person or firm within this state without first determining that the person or firm possesses an importer's license, issued by the director of fire protection to receive them, or the shipper has an importer's license, issued by the director of fire protection to ship them into this state.

NEW SECTION

WAC 212-17-362 STORAGE—BY COMMON CARRIER. No common carrier shall store fireworks while in transit within a building without first obtaining a storage permit from the local fire authority.

WSR 88-08-028

LIQUOR CONTROL BOARD

[Order 251, Resolution No. 260—Filed April 1, 1988—Eff. March 30, 1988]

[LCB Order Register—WAC 314-12-140]

A Resolution concerning the protection of the health and welfare of the public in all areas of beverage alcohol commerce pursuant to RCW 66.08.010.

WHEREAS, we, the members of the Washington State Liquor Control Board are charged with the responsibility of protecting the health and welfare of the public in all areas of beverage alcohol commerce under RCW 66.08.010; and,

WHEREAS, we, the members of the Washington State Liquor Control Board are concerned with the protection of the environment of the Pacific Northwest; and,

WHEREAS, we, the members of the Washington State Liquor Control Board have determined that the sale of

alcoholic beverages in containers which are not recyclable or biodegradable is not compatible with the protection of our environment nor in the best interests of the public;

NOW THEREFORE BE IT RESOLVED that the Washington State Liquor Control Board will, effective immediately, not list any new items packaged in containers which are not recyclable or biodegradable.

BE IT FURTHER RESOLVED that the Washington State Liquor Control Board will, as of June 1, 1989, no longer order alcoholic beverages which are not packaged in biodegradable or recyclable containers. Currently listed items in such containers will continue to be purchased during the transition period.

AND BE IT FURTHER RESOLVED that the Washington State Liquor Control Board will work with the beverage alcohol and packaging industries during the transition period in order to promote the production of packaging materials which are not harmful to the environment and comply with the Board's resolution of this date.

Adopted the 30th day of March, 1988.

L. H. Pedersen
Robert D. Hannah
Paula C. O'Connor

Attest:
Judy Pierce
Secretary

WSR 88-08-029

NOTICE OF PUBLIC MEETINGS BOARD FOR VOCATIONAL EDUCATION

[Memorandum—March 31, 1988]

The Washington State Board for Vocational Education will meet on Wednesday, April 20, 1988, beginning at 9:30 a.m., in Room 430 at the Washington Institute of Applied Technology, 315 22nd Avenue South, Seattle.

People needing special accommodation, please call Patsi Justice at (206) 753-5660.

WSR 88-08-030

NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE

[Memorandum—March 29, 1988]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular meeting on April 12, 1988, Tuesday, 2:00 p.m., Board Room, Cordata Facility, 237 West Kellogg Road, Bellingham, WA 98226.

WSR 88-08-031

ADOPTED RULES OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Order 88-4—Filed April 1, 1988]

I, Ralph C. Ruff, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA, the annexed rules relating to definitions, WAC 326-02-030.

This action is taken pursuant to Notice No. WSR 87-20-088 filed with the code reviser on October 7, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 39.19 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 1, 1988.

By Ralph C. Ruff
Director

AMENDATORY SECTION (Amending Order 87-6, filed 8/27/87)

WAC 326-02-030 DEFINITIONS. Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by this office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by this office. The owners must be United States citizens or lawful permanent residents.

(4) "Commercially useful function" means the performance of real and actual services in the discharge of any contractual endeavor.

(a) For purposes of certification, factors which may be considered in determining whether a business is or will be performing a commercially useful function(, factors, including) include, but are not limited to, the following(, will be considered):

(i) Whether the business is or will be responsible for executing a distinct element of work ((as defined in a bid or proposal)) in the performance of a contract; and

(ii) Whether principals or employees of the business actually perform, manage, and supervise the work for which the business is or will be responsible; and

(iii) Whether the business could be considered a "conduit," "front," or "pass-through" as defined in this section(-); and

(iv) Whether the minority and/or women owner(s) has the skill and expertise to perform the work for which the business is being, or has been certified.

~~(b) ((For the purpose of these rules, a supplier will be considered to be))~~ The manner in which a supplier does business will be examined by the office for purposes of certification and may be considered by state agencies and educational institutions in awarding a contract. Factors in addition to those in (a) of this subsection which indicate that a supplier is performing a commercially useful function ((when)) include, but are not limited to, the following:

(i) It either assumes the actual and contractual responsibility for furnishing goods or materials and executes material changes in the ((logistics or)) configuration of those goods or materials; or

(ii) Is the manufacturer of those goods or materials; or

(iii) ~~((Is recognized as a distributor of goods or materials by representatives of the industry involved in the supply of such goods or materials; and~~

~~(iv) It owns or leases warehouses, yard buildings, or other facilities which are viewed as customary or necessary by the industry; and~~

~~(v) It distributes or delivers goods or materials with its own staff or employees))~~ Before submitting the certification application, it has secured a contract or distributor agreement with a manufacturer to act as an authorized representative, and can pass on product warranties to the purchaser; and

(iv) Performs a distinct element of work in a manner that is consistent with common industry practice. Factors which may indicate that a firm is not performing a commercially useful function include, but are not limited to, the following:

(A) A minimum amount of inventory is not maintained;

(B) Billing and shipping arrangements are performed by nonowners or staff of nonowners;

(C) A significant amount of deliveries are shipped directly from the producer or manufacturer to the end user;

(D) The supplier does not take ownership of the product.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof, obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more minority individuals or minority business enterprises certified by this office. Owned and controlled means a business in which one or more minorities or MBE's certified by this office own at least fifty-one percent, or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise; and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more women or women's business enterprises certified by this office. Owned and controlled means a business in which one or more women or WBE's certified by this office own at least fifty-one percent or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The women owners must be United States citizens or lawful permanent residents.

(21) "Common industry practices" mean those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(22) "Conduit" means a WBE, MBE, or combination MWBE which agrees to be named as a subcontractor on a contract in which such WBE, MBE, or combination MWBE does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other non-MWBE business.

(23) "Front" means a business which purports to be: (a) A WBE but is in fact owned or controlled by a man or men; (b) a MBE but is owned or controlled by a nonminority person or persons; or (c) a combination MWBE but is owned or controlled by a man or men or by a nonminority person or persons to a greater extent than is allowed by WAC 326-02-030(3).

(24) "Pass-through" means a business which buys goods from a non-WBE, non-MBE, or noncombination MWBE without materially changing the configuration or logistics of the goods and resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(25) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(26) "Supplier" means a business which provides or furnishes goods or materials, performs a commercially

useful function, and is not considered a conduit, front, or pass-through.

(27) "Switch business" means a business which was previously owned and controlled by a man, men or nonminorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

(28) "Corporate-sponsored dealership" means a bona fide minority or women's business which meets the following standards in lieu of the fifty-one percent ownership criteria set out in subsections (14), (15), and (20) of this section, and meets the following standards in lieu of the factors used to evaluate control in WAC 326-20-080.

(a) The minority or women owner(s) have entered into a written agreement, contract, or arrangement with a national or regional corporation and has been granted a license to offer, sell or distribute goods or services at wholesale or retail, leasing, or otherwise use the name, service mark, trademark, or related characteristics of the sponsoring corporation.

(b) The capital investment for the dealership or business is jointly contributed by the minority or women owner(s) and the sponsoring corporation.

(i) The original investment contributed by the minority or women owner(s) may be less than fifty-one percent, but must constitute at least twenty-five percent of the capitalization investment (total required equity capital) in the dealership corporation.

(ii) A specified time limit of not more than ten years must be established, binding between the minority or women owner(s) and the sponsoring corporation, within which the buy-out of the corporate sponsor's interest is complete.

(c) If the sponsoring corporation retains majority voting rights and control of the board of directors, then the minority or women owner(s) must annually apply at least fifty percent of the net profit and bonuses toward the buy-out of the corporate sponsors' interest within the buy-out time limit established with the corporation.

(d) The minority or women owner(s) must show active participation in the decision-making process on the board of directors of the dealership.

(e) The minority or women owner(s) must have operational control, and as such have day-to-day management control of the dealership, with responsibility for sales, service volume, and profits.

(f) The sponsoring corporation must have specifically developed a national or regional corporate sponsored dealership program to address the present-day issue of lack of opportunities for minorities or women in the dealership industry, which includes such features as: Capitalization assistance from the sponsoring corporation, on-going business operations training, technical assistance to the dealership owner, and a corporate sponsored minority and women's business program.

(g) The minority or women owner(s) must demonstrate that the relationship between the corporate sponsor and the minority or women's business was not

formed for the primary purpose of achieving certification under chapter 39.19 RCW, or any similar provision of any ordinance, regulation, rule, or law.

(h) The minority or women owner(s) have prior business or management experience relating to the business being entered into as an owner.

(i) The minority or women owner(s) must be president of any corporation formed by the business.

WSR 88-08-032

NOTICE OF PUBLIC MEETINGS WESTERN LIBRARY NETWORK

[Memorandum—March 31, 1988]

This is to inform you of a change of date for the 1988 Western Library Network Network Services Council May meeting. The May meeting was scheduled for May 13, 1988, in the Olympic Room of the West Coast Hotel, 18220 Pacific Highway South, Seattle, WA 98188 beginning at 10:00 a.m. The new date for the May meeting is May 31, 1988, the time and location remain the same.

WSR 88-08-033

ADOPTED RULES DEPARTMENT OF LICENSING (Veterinary Board of Governors) [Order PM 719—Filed April 1, 1988]

Be it resolved by the Washington State Veterinary Board of Governors, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

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.

This action is taken pursuant to Notice No. WSR 88-05-041 filed with the code reviser on February 16, 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 under the general rule-making authority of the Washington State Veterinary Board of Governors as authorized in RCW 18.92.030.

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

APPROVED AND ADOPTED March 29, 1988.

By Michael J. Lust, D.V.M.
Chairman

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(~~((†))~~).

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 ~~((on 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))~~ Restraining 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] 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(~~(f)~~) or she shall forfeit the examination fee unless he(~~(f)~~) or she has notified the division of professional licensing in writing of his(~~(f)~~) or her inability to appear for the scheduled exam at least five days before the designated time.

WSR 88-08-034
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Practical Nursing)
 [Order PM 718—Filed April 1, 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 qualifications, amending WAC 308-117-030.

This action is taken pursuant to Notice No. WSR 88-04-077 filed with the code reviser on February 3, 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 18.78.050, 18.78.060 and 18.130.050 which directs that the Washington State Board of Practical Nursing has authority to implement the provisions of chapter 18.78 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 March 16, 1988.

By Marie Christine Ivy
 Chairperson

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

WAC 308-117-030 LICENSURE QUALIFICATIONS. (1) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 308-117-300, or its equivalent as determined by the board. Effective May 1, 1988, every applicant must have satisfactorily completed an approved practical nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the board to determine current theoretical and clinical knowledge of practical nursing practice.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

WSR 88-08-035
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed April 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning:

New	WAC 308-115-220	Credit toward educational requirements for licensure.
New	WAC 308-115-230	Preceptor for midwife-in-training program.
New	WAC 308-115-240	Trainee permit for midwife-in-training program.
New	WAC 308-115-250	Legend drugs and devices;

that the agency will at 9:00 a.m., Tuesday, May 10, 1988, in the DOL Examination Center, 1300 Quince Street, 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 18.50.040(3) for WAC 308-115-220, 308-115-230 and 308-115-240; and RCW 18.50.115 for WAC 308-115-250.

The specific statute these rules are intended to implement is RCW 18.50.040(3) for WAC 308-115-220, 308-115-230 and 308-115-240; and RCW 18.50.115 for WAC 308-115-250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Tuesday, May 3, 1988.

Dated: March 23, 1988
 By: Robert Van Schoorl
 Assistant Director

STATEMENT OF PURPOSE

Title and Number of Rule Sections: WAC 308-115-220 Credit toward educational requirements for licensure; 308-115-230 Preceptor for midwife-in-training program; 308-115-240 Trainee permit for midwife-in-training program; and 308-115-250 Legend drugs and devices.

Statutory Authority: RCW 18.50.040(3) for WAC 308-115-220, 308-115-230 and 308-115-240; and RCW 18.50.115 for WAC 308-115-250.

Specific Statutes Rules are Intended to Implement: RCW 18.50.040(3) for WAC 308-115-220, 308-115-230 and 308-115-240; and RCW 18.50.115 for WAC 308-115-250.

Summary of the Rules: To add several new sections to chapter 308-115 WAC, Midwifery. These rules provide an alternative to formal education for those who wish to become licensed midwives. These rules establish procedures for a midwife-in-training program. These rules also set forth what legend drugs and devices may be obtained and used by licensed midwives.

Reasons Supporting the Proposed Rules: RCW 18.50.040(3) requires the department to adopt rules to provide credit toward the educational requirements for licensure. The proposed rules establish a procedure by which nonlicensed midwives can establish equivalency to the formal education currently required. These rules provide that upon completion of a midwife-in-training program, the nonlicensed midwife may apply to take the licensing examination; and RCW 18.50.115 gives the director the authority to adopt rules which authorize licensed midwives to purchase and use legend drugs and devices in addition to those specifically authorized by the statute. The proposed rules were developed after consultation with the midwife advisory committee, the board of pharmacy and the board of medical examiners.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Susan Boots, R.N., Assistant Program Manager, P.O. Box 9012, Olympia, WA 98504, phone 234-2807 scan, (206) 753-2807 comm.

Name of Organization Proposing the Rules: Department of Licensing.

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

Small Business Economic Impact Statement: Not required and none has been filed.

NEW SECTION

WAC 308-115-220 CREDIT TOWARD EDUCATIONAL REQUIREMENTS FOR LICENSURE. (1) Applicants not meeting the minimum requirements set forth in WAC 308-115-060 may apply to the department for licensure by submitting the following:

(a) A completed, notarized application on a form provided by the department accompanied by a nonrefundable fee as specified in WAC 308-115-405;

(b) Credit for academic courses:

(i) Certification by an accrediting body, which has been approved by the department, of completed academic and continuing education courses as required in RCW 18.50.040(b) for which the applicant has been received a grade of "C" or better. A certified copy of the courses taken and grades or scores achieved shall be submitted by the accrediting body directly to the department; or

(ii) Completion of challenge examinations approved by the department with a minimum score of 75% for any academic subject required in RCW 18.50.040(b). Challenge examinations shall be administered a minimum of twice a year. An applicant for challenge examination must file a completed application for each examination along with the required fee with the department at least 45 days prior to the examination.

(c) A prospectus for permission to undertake a midwife-in-training program. Such a program shall be on such terms as the department finds necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth in RCW 18.50.040, and shall include, but not be limited to the following:

(i) The program shall be under the guidance and supervision of a preceptor, and shall be conducted for a period of not more than five years;

(ii) The program shall be designed to provide for individual learning experiences and instruction based upon the applicant's academic background, training, and experience;

(iii) The prospectus for the program shall be submitted on an approved form, signed by the preceptor, and approved by the department prior to the commencement of the program. Any changes in the program shall be reported within 30 days in writing to the department, and the department may withdraw the approval given, or alter the conditions under which approval was originally given, if the department finds that the program as originally submitted and approved has not been or is not being followed.

(2) The midwife-in-training program prospectus must include the following components:

(a) A plan for completion of required academic subjects required in RCW 18.50.040(b);

(b) Planned reading and written assignments;

(c) A project including at least one problem-solving component to be submitted in writing. The problem-solving component should include the definition of an acknowledged problem, the method of approach to the problem, the listing of possible alternatives, the actions taken, evaluation, and final recommendations to improve care given;

(d) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community;

(e) A quarterly written report, on an approved form, submitted to the department by the trainee, which shall include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period;

(f) The program must provide for a broad range of experience with a close working relationship between preceptor and the trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two midwives-in-training simultaneously. Exception to this rule may be granted by the department in unusual circumstances;

(g) The department may, in an individual case, require additional approved education, based upon assessment of the individual applicant's background, training and experience.

(3) Upon approval of the application, a trainee permit will be issued which enables the trainee to practice under the supervision of a preceptor. The permit shall expire within one year of issuance and may be extended as provided by rule.

(4) The trainee shall provide documentation of care given as follows:

(a) Records of no more than thirty-five women to whom the trainee has given care in each of the prenatal, intrapartum, and early postpartum periods, although the same women need not have been seen through all three periods. These records must contain affidavits from the clients certifying that the care was given. If a client is unavailable to sign an affidavit, an affidavit from a preceptor or a certified copy of the birth certificate may be substituted. The care may have been given prior to the beginning of the midwife-in-training program or during the trainee period;

(b) After being issued a trainee permit, the trainee must manage care in the prenatal, intrapartum, and early postpartum period of fifteen women under the supervision of the preceptor. These women shall be in addition to the women whose records were used to meet the conditions of WAC 308-115-220 (4)(a). The preceptor shall submit, on approved forms, completed check-lists of skills and experiences when this requirements has been met;

(c) Evidence, on an approved form, of observing 50 deliveries in addition to those specified in section (4)(b) above. The deliveries may have been observed prior to the beginning of the midwife-in-training program or may be observed during the trainee period.

(5) Upon satisfactory completion of sections (1)(a) through (4)(c) of this subsection, the trainee is eligible to apply for the examination.

Reviser's note: The typographical error 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 308-115-230 PRECEPTOR FOR MIDWIFE-IN-TRAINING PROGRAM. (1) In reviewing a proposed midwife-in-training program, the department shall use the following criteria in assessing the qualifications and determining the responsibilities of the preceptor:

(a) Qualifications of preceptor:

(i) The preceptor shall have demonstrated the ability and skill to provide safe, quality care;

(ii) The preceptor shall have demonstrated continued interest in professional development beyond the requirements of basic licensure;

(iii) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the department; and,

(iv) The preceptor shall be licensed in the state of Washington. Exception to this rule may be granted by the department in unusual circumstances.

(b) Responsibilities of the preceptor:

(i) The preceptor shall monitor the educational activities of the trainee and shall have at least one conference with the trainee quarterly to discuss progress;

(ii) The preceptor shall submit quarterly progress reports on approved forms to the department, and,

(iii) The preceptor shall maintain and submit the checklists as specified in WAC 308-115-220 (4)(b).

NEW SECTION

WAC 308-115-240 TRAINEE PERMIT FOR MIDWIFE-IN-TRAINING PROGRAM. (1) A trainee permit may be issued to any individual who has:

(a) been approved for a Midwife-In-Training program; and,

(b) filed a completed application accompanied by a non-refundable fee.

(2) The trainee permit authorizes individuals to manage care as required in WAC 308-115-220 (4)(b).

(3) Permits will be issued yearly for the duration of the trainee's midwife-in-training program.

NEW SECTION

WAC 308-115-250 LEGEND DRUGS AND DEVICES. (1) Licensed midwives may purchase and use legend drugs and devices which are deemed integral to providing safe care to the public. Such devices include the following:

(a) Dopplers, syringes, needles, phlebotomy equipment, suture, urinary catheters, intravenous equipment, heparin locks, amnihooks, and "DeLee type" mucous traps;

(b) Pharmacies may fill orders for diaphragms which have been issued by licensed midwives for postpartum women.

(2) In addition to medications listed in RCW 18.50.115, licensed midwives may administer the following medications:

(a) Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers, and 5% Dextrose with water;

(b) Heparin for use in heparin locks, Epinephrine for use in allergic reactions, and Magnesium Sulphate shall be used according to midwifery advisory committee established protocols. Such protocols shall state the indications for use, the dosage and the administration of these medications.

(c) Licensed midwives may obtain and administer Rubella vaccine to non-immune postpartum women.

(3) The client's records shall contain documentation of all medications administered.

(4) Whenever Epinephrine or Magnesium Sulfate is administered, a report, on approved forms, shall be submitted within thirty days to the midwifery advisory committee.

WSR 88-08-036

PROPOSED RULES

DEPARTMENT OF LICENSING

(Physical Therapy Board)

[Filed April 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Physical Therapy Board intends to adopt, amend, or repeal rules concerning licensure examination appeal procedures;

that the agency will at 9:30 a.m., Tuesday, May 24, 1988, in the Department of Licensing Regional Office,

Wright Building, 3rd Floor, 464 12th Avenue, 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 18.74.023.

The specific statute these rules are intended to implement is RCW 18.74.023.

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

Dated: March 31, 1988

By: John H. Keith

Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Physical Therapy.

Purpose and Reason Proposed: To establish procedures for the review of license examination failures.

Summary: WAC 308-42-015 Examination appeal procedures.

Statutory Authority: RCW 18.74.023.

Responsible Department Personnel: In addition to members of the Physical Therapy Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Yvonne Braeme, Program Manager, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-3095 comm, 234-3095 scan.

Proponents: The subject matter of this rule hearing has been proposed by the Washington State Board of Physical Therapy.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term was defined by RCW 43.31.920.

NEW SECTION

WAC 308-42-015 EXAMINATION APPEAL PROCEDURES.

(1) Any candidate who takes the state written examination for licensure and does not pass may request informal review by the board of his or her examination results. This request must be in writing and must be received by the Department of Licensing, Professional Program Management Division within thirty (30) days of the postmark on the notification of the examination results. The board will not set aside the examination results unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness. The board will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(2) The procedure for filing an informal review is as follows:

(a) Contact in writing the Department of Licensing office in Olympia for an appointment to appear personally to review incorrect answers on failed examinations.

(b) Candidate will be provided a form to complete in the Department of Licensing office in Olympia in defense of his or her examination answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) Candidate may not bring in any resource materials for use while completing the informal review form.

(f) The candidate will not be allowed to remove any notes or materials from the office upon leaving.

(g) The candidate must comply with all procedural and security requirements for examination appeals adopted by the Department of Licensing or the Professional Examination Service.

(h) The board will review and evaluate the comments submitted by the candidate on the forms provided for the informal review and make its decision regarding the candidate.

(i) The candidate will be notified in writing of the board's decision by the department.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the administrative procedures act. Such hearing must be requested within thirty (30) days of the postmark of the result of the board's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. The prior determination will not be set aside unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness. The board will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(4) Prior to scheduling the hearing the candidate or the state's attorney may petition to appear before an administrative law judge for a prehearing conference to consider the following:

- (a) the simplification of issues;
- (b) the necessity of amendments to the notice of specific reasons for examination result change;
- (c) the possibility of obtaining stipulations, admissions of fact and documents;
- (d) the limitation of the number of expert witnesses;
- (e) a schedule for completion of all discovery; and,
- (f) such other matters as may aid in the disposition of the proceeding.

(5) The administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order of the board.

(6) Candidates seeking formal appeal will receive at least twenty (20) days advance notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the candidate has identified as the basis for a change in the examination score.

WSR 88-08-037

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed April 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Funeral Directors and Embalmers of the state of Washington intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-48-140 Licenses—Applicants from other states.
- Amd WAC 308-48-790 Crematory endorsements—Registration—Expiration.
- Amd WAC 308-49-140 Registration.
- Amd WAC 308-49-170 Annual statement requirements;

that the agency will at 9:30 a.m., Thursday, May 19, 1988, in the Cascade Room, West Coast Sea-Tac 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 18.39.130, 18.39.175, 18.39.217, 18.39.240, 18.39.270, 18.39.300 and 18.39.320.

The specific statute these rules are intended to implement is RCW 18.39.130, 18.39.175, 18.39.217, 18.39.240, 18.39.270, 18.39.300 and 18.39.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1988.

Dated: March 30, 1988

By: Robert Van Schoorl
Assistant Director
Business and
Professions Administration

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Funeral Directors and Embalmers.

Title: WAC 308-48-140 Licenses—Applicants from other states; 308-48-790 Crematory endorsements—Registration—Expiration; 308-49-140 Registration; and 308-49-170 Annual statement requirements.

Description of Purpose: To amend rules relating to licensing applicants from other states, crematory endorsement's expiration date, and prearrangement funeral service contract application and reporting requirements.

Statutory Authority: RCW 18.39.130, 18.39.175, 18.39.217, 18.39.240, 18.39.270, 18.39.300 and 18.39.320.

Summary of Rules: WAC 308-48-140, the purpose of this amendment is to add the preparation and transportation examination as a requirement; WAC 308-48-790, the purpose of this amendment is to delete the reference to the renewal fee; WAC 308-49-140, the purpose of this amendment is to remove the alternative of providing a federal income tax return in applying for registration for prearrangement funeral service contract transactions; and WAC 308-49-170, the purpose of this amendment is to remove the alternative of providing a federal income tax return in reporting requirements in the prearrangement area and requiring verification from depositories regarding trust funds.

Responsible Personnel: In addition to the Board of Funeral Directors and Embalmers, the following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, WA 98504-8001, phone (206) 753-3199 comm or 234-3199 scan.

Proponents: The Washington State Board of Funeral Directors and Embalmers.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

AMENDATORY SECTION (Amending Order PM 677, filed 9/1/87)

WAC 308-49-140 REGISTRATION. (1) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the board. To apply for registration, a funeral establishment must file an application on forms approved by the board of funeral directors and embalmers, which includes:

- (a) The name, address, and telephone number of the funeral establishment;

(b) The name and license number of the person at the funeral establishment responsible for supervising the sale of funeral merchandise or service on a prearrangement basis;

(c) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts including:

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership, or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year (~~(certified by a certified public accountant, [a licensed public accountant,] or a copy of the establishment's most recent federal income tax return verified by a certified public accountant)~~) and/or other such fiscal documents as the board may require;

(d) The prearrangement funeral contract forms the establishment proposes to use need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the board before the form is used;

(e) Identification of the qualified public depository the establishment will use with an explanation of the depository's manner of operating and managing the prearrangement funeral service contract trust fund, together with copies of any contract or trust agreement to be entered into in connection with such trust fund, and, if a single trust fund is to be established and maintained with respect to several prearrangement funeral service contracts, a complete explanation of the manner in which records will be maintained to allocate the interest, dividends, increases or accretions and the share of such fund to each contract.

(2) Upon review of the application, the board may require additional information or explanation prior to registration or refusing to register the funeral establishment.

(3) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for issuance of the certificate of registration.

AMENDATORY SECTION (Amending Order PM 677, filed 9/1/87)

WAC 308-49-170 ANNUAL STATEMENT REQUIREMENTS. (1) Each registered funeral establishment shall file with the board annually, ninety days after the end of its fiscal year, a true and accurate statement of its financial condition, transactions and affairs for the preceding fiscal year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding fiscal year (~~(certified by a certified public accountant, or a copy of the establishment's most recent federal income tax return[s] verified by a certified public accountant)~~) and/or other such fiscal documents as the board may require.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent which have occurred in the preceding fiscal year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information shall be provided:

(a) The name of ~~(the)~~ the depository and the account number;

(b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prearrangement funeral merchandise and services covered by the contract have been furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services;

(i) The number of outstanding contracts as ~~(of)~~ of the end of the fiscal year and the amount being held in trust for such contracts.

(5) The annual report form shall include verification from the depository as to the amount of money held in funeral prearrangement trust as of the reporting date.

(6) The annual statement shall be accompanied by a fee as determined by the director, payable to the state treasurer.

AMENDATORY SECTION (Amending Order PM 604, filed 7/11/86)

WAC 308-48-140 LICENSES—APPLICANTS FROM OTHER STATES. To qualify pursuant to RCW 18.39.130 for licensure as an applicant from another state, an applicant must furnish proof satisfactory to the department that his professional education and experience are comparable to the minimum requirements set out in RCW 18.39.035 and 18.39.045, including proof that the applicant:

(1) Is currently licensed in good standing in another state or territory of the United States;

(2) If an applicant for a funeral director license has successfully completed a funeral director licensure examination in another state or the national board examination, and the current preparation and transportation, public health and state law portions of the Washington examination;

(3) If an applicant for an embalmer's license, has successfully completed an embalmer license examination in another state or the national board examination, and the current preparation and transportation, public health and state law portions of the Washington examination;

(4) Has completed 60 semester or 90 quarter hours of study at an accredited college or institution of higher learning or the equivalent;

(5) For a funeral director's license, has completed at least a one year apprenticeship under a licensed funeral director in the state where originally licensed;

(6) For an embalmer's license, has completed a two year apprenticeship under the supervision of a licensed embalmer and graduated from a school of mortuary science recognized by the board.

Applicants may substitute a year of full time employment as a licensed funeral director or embalmer for each required year of apprenticeship.

AMENDATORY SECTION (Amending Order PL 581, filed 2/19/86)

WAC 308-48-790 ~~((REGISTRATION FEE FOR CREMATORY OPERATIONS))~~ CREMATORY ENDORSEMENTS—REGISTRATION—EXPIRATION. ~~((The registration fee and the annual renewal fee for an endorsement for crematory operations is twenty-five dollars.))~~ Crematory endorsements shall expire annually on June 30.

WSR 88-08-038

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed April 1, 1988]

This memorandum hereby withdraws Washington State Register Number 88-04-089, new chapter 388-77 WAC, Family independent program, filed on February 3, 1988. The rules will be refiled with modifications the middle of April for a May hearing date and a July 1 implementation date.

Leslie F. James, Director
Administrative Services

WSR 88-08-039

**ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2610—Filed April 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the

annexed rules relating to overissuances, amending WAC 388-49-640.

This action is taken pursuant to Notice No. WSR 88-04-088 filed with the code reviser on February 3, 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 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 11, 1988.

By Leslie F. James, Director
Administrative Services

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

WAC 388-49-640 OVERISSUANCES. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), ~~((9))~~ (10), and ~~((10))~~ (11) of this section.

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

(a) Receiving more food stamp benefits than it was entitled to receive, or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

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

(a) The department failed to ensure the household:

- (i) Signed the application form,
- (ii) Completed a current work registration form, or
- (iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

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

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

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

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

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

(a) An administrative error or inadvertent household error occurred in the prior twenty-four months, or

(b) An intentional program violation in the prior seventy-two months.

(7) Except as provided in subsection (8) of this section, the amount of the overissuance shall be the difference between:

(a) The monthly allotment actually authorized, and

(b) The monthly allotment the household should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall not apply the 20 percent earned income deduction:

(a) To that portion of earned income which the household intentionally failed to report;

(b) When the department has determined that the household committed an intentional program violation.

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

(a) The amount of the overissuance, and

(b) Any lost benefits that have not been previously restored or used as an offset.

~~((9))~~ (10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

(a) The claim is collected through offset,

(b) The total amount of the claim is less than thirty-five dollars and the claim cannot be recovered by reducing the household's allotment,

(c) The department cannot locate the liable household, or

(d) The department determines collection action will prejudice an inadvertent household error claim case being referred for possible prosecution or administrative disqualification.

~~((10))~~ (11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

(a) The household has repaid the overissuance,

(b) The department cannot locate the household, or

(c) The department determines collection action will prejudice the case against a household member referred for prosecution.

~~((11))~~ (12) The department shall initiate collection action by providing the household a demand letter.

~~((12))~~ (13) A household or household member may repay an overissuance except as provided in subsections ~~((13))~~ (14) through ~~((17))~~ (18) of this section by:

(a) A lump sum,

(b) Regular installments under a payment schedule agreed to by the household or household member and the department, and/or

(c) Allotment reductions.

~~((13))~~ (14) When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment, or

- (ii) Ten dollars per month.
- (b) Intentional program violation overissuance by the greater of:
 - (i) Twenty percent of the household's monthly entitlement, or
 - (ii) Ten dollars per month.
- (c) Administrative error overissuance by the amount agreed to by the household.

~~((14))~~ (15) A household member and/or the department may request the payment schedule be renegotiated.

~~((15))~~ (16) The department shall ensure the negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when:

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

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

~~((16))~~ (17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails:

- (a) To make the overdue payments, or
- (b) To request renegotiation of the payment schedule.

~~((17))~~ (18) The department shall reduce the household's allotment if:

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

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

~~((18))~~ (19) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection ~~((9))~~ (10) of this section,

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

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

~~((19))~~ (20) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

~~((20))~~ (21) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

(a) No further possibility of collection;

(b) An account receivable balance after payment of an accepted offer of compromise; or

(c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection ~~((18))~~ (19) of this section.

WSR 88-08-040
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2609—Filed April 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Intentional program violations—Administrative disqualification hearings, amending WAC 388-49-660.

This action is taken pursuant to Notice No. WSR 88-04-046 filed with the code reviser on January 29, 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 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 11, 1988.

By Leslie F. James, Director
 Administrative Services

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

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

(1) The department shall refer an individual who has no prior intentional program violation but who is suspected of committing an intentional program violation for an administrative disqualification hearing when:

(a) The overissuance caused by the suspected intentional program violation is two hundred and fifty dollars or more; or

(b) The sum of the overissuance caused by the suspected intentional program violation and all inadvertent household error overissuances that occurred in the two years immediately preceding the date of discovery of the suspected intentional program violation is two hundred and fifty dollars or more; and

(c) At the time of referral, the individual resides:

(i) In Washington state; or

(ii) Resides outside Washington but within one hour's reasonable drive to a community services office; and

(d) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(2) The department shall refer an individual who has committed one or more intentional program violations and who is suspected of committing another intentional program violation when:

(a) The act of suspected intentional program violation occurred:

(i) After the department mailed the administrative decision disqualifying the individual for the most recent intentional program violation; or

(ii) After entry of the order in criminal proceedings that caused the individual to be disqualified for the most recent intentional program violation; and

(b) At the time of referral, the individual resides:

(i) In Washington state; or

(ii) Resides outside Washington but within one hour's reasonable drive to a Community Services Office; and

(c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(3) The department shall:

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

(b) Obtain proof of receipt of the notice.

~~((2))~~ (4) The notice of hearing shall comply with WAC 10-08-040 and contain the following information:

(a) The allegations;

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

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

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

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

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

(ii) Seeking a new hearing; and

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

~~((3))~~ (5) The person or a representative shall have the right to one continuance of up to thirty days provided a request is filed at least ten days prior to the hearing date.

~~((4))~~ (6) The department shall conduct the hearing without the person or a representative if they fail to appear at the hearing without good cause.

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

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

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

(ii) Requesting the hearing be reinstated.

~~((5))~~ (7) The administrative law judge shall grant a request to change a scheduled telephone hearing to an in-person hearing if the person or representative:

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

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

~~((6))~~ (8) The administrative law judge shall advise the person or representative they may refuse to answer questions during the hearing.

~~((7))~~ (9) The department shall bear the burden of proof for demonstrating intentional program violation with clear and convincing evidence.

~~((8))~~ (10) The department shall follow the decision-rendering in WAC 388-08-406.

~~((9))~~ (11) The department shall make a final decision within ninety days of the date the individual receives the notice of hearing.

~~((10))~~ (12) The department may combine an ~~((overpayment))~~ overissuance fair hearing and an administrative disqualification hearing into a single hearing when the facts alleged for each arise out of the same or related circumstances. When combined:

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

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

(c) The department shall give prior notice to:

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

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

WSR 88-08-041
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 1, 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 needy infants, children and pregnant women, amending WAC 388-83-032;

that the agency will at 10:00 a.m., Thursday, May 12, 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 May 13, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 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 April 28, 1988. The meeting site is in a location which is barrier free.

Dated: April 1, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: WAC 388-83-032.

Purpose: To update the family income standards for the needy infants, children and pregnant women program.

Reason: The Department of Health and Human Services has issued new poverty income guidelines.

Statutory Authority: RCW 74.08.090.

Summary: The income standards for the needy infants, children and pregnant women program are being increased to reflect changes in the poverty income guidelines. The regulations are being filed for emergency adoption effective April 1, 1988, as the change results in a benefit for clients.

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

Rules are proposed by DSHS.

These rules are necessary as a result of new federal guidelines, sections 652 and 673(2) of the Omnibus Reconciliation Act of 1981 (P.L. 97-35).

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2521, filed 8/17/87)

WAC 388-83-032 **NEEDY INFANTS, CHILDREN AND PREGNANT WOMEN.** (1) The department shall find the following groups eligible for Medicaid as categorically needy, if they meet the income and resource requirements of this section:

(a) Effective July 1, 1987:

(i) Women during pregnancy and during the sixty-day period beginning on the last day of pregnancy, and

(ii) Infants under one year of age.

(b) Effective October 1, 1987, children under two years of age.

(2) Income eligibility:

(a) Total family income shall not exceed ninety percent of the Poverty Income Guidelines as published and updated by the secretary of health and human services. Ninety percent of the ~~((1987))~~ 1988 Poverty Income Guidelines is:

	Family Size	Monthly
(i)	One	((\$ 413.00)) \$ 433.00
(ii)	Two	((\$ 555.00)) \$ 580.00
(iii)	Three	((\$ 698.00)) \$ 727.00
(iv)	Four	((\$ 840.00)) \$ 874.00
(v)	Five	((\$ 983.00)) \$ 1,021.00
(vi)	Six	((\$ 1,125.00)) \$ 1,168.00
(vii)	Seven	((\$ 1,268.00)) \$ 1,315.00
(viii)	Eight	((\$ 1,410.00)) \$ 1,462.00

(ix) For family units with more than eight members add ~~((\$ 143.00))~~ \$147.00 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) ~~((Shall be determined))~~ According to AFDC methodology except for the exclusions in WAC 388-83-130 (5) and (6), and

(ii) ~~Shall not use~~ the costs incurred for medical care or for any other type of remedial care ~~((shall not be used))~~ to reduce the family income.

(3) Resource eligibility:

(a) The total value of the family's countable resources shall not exceed five thousand dollars.

(b) Countable resources are limited to cash, savings accounts, checking accounts, stocks, bonds, mutual fund shares, and certificates of deposit.

(c) ~~The department shall not consider other resources ((are not considered))~~ in determining the eligibility of groups included in subsection (1) of this section.

(4) Changes in income or living situations shall not affect eligibility for medical assistance, during pregnancy or during the sixty-day period beginning on the last day of pregnancy:

(a) Once a pregnant woman is determined eligible under this section, or

(b) If at any time while eligible for and receiving medical assistance meets the eligibility requirements of this section.

(5) An infant or child who attains the maximum age as described in subsection (1)(a) or (b) of this section shall continue to be eligible until the later of:

(a) The end of the month in which the infant or child attains the maximum age, or

(b) The end of the month in which the infant or child receives inpatient services if:

(i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age, and

(ii) The stay for inpatient services continues into the following month(s), and

(iii) Who, but for attaining such age, would be eligible for assistance under this section.

WSR 88-08-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2615—Filed April 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to needy infants, children and pregnant women, amending WAC 388-83-032.

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 amendment is necessary to increase income standards for the needy infants, children and pregnant women's program to reflect changes in the poverty income guidelines required by sections 652 and 673(2) of the Omnibus Reconciliation Act of 1981 (P.L. 97-35).

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

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

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

APPROVED AND ADOPTED April 1, 1988.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2521, filed 8/17/87)

WAC 388-83-032 **NEEDY INFANTS, CHILDREN AND PREGNANT WOMEN.** (1) The department shall find the following groups eligible for Medicaid as categorically needy, if they meet the income and resource requirements of this section:

(a) Effective July 1, 1987:

- (i) Women during pregnancy and during the sixty-day period beginning on the last day of pregnancy, and
- (ii) Infants under one year of age.

(b) Effective October 1, 1987, children under two years of age.

(2) Income eligibility:

(a) Total family income shall not exceed ninety percent of the Poverty Income Guidelines as published and updated by the secretary of health and human services. Ninety percent of the ~~((1987))~~ 1988 Poverty Income Guidelines is:

	Family Size	Monthly
(i)	One	(($\\$413.00$)) <u>$\\$ 433.00$</u>
(ii)	Two	(($\\$555.00$)) <u>$\\$ 580.00$</u>
(iii)	Three	(($\\$698.00$)) <u>$\\$ 727.00$</u>
(iv)	Four	(($\\$840.00$)) <u>$\\$ 874.00$</u>
(v)	Five	(($\\$983.00$)) <u>$\\$ 1,021.00$</u>
(vi)	Six	(($\\$1,125.00$)) <u>$\\$ 1,168.00$</u>
(vii)	Seven	(($\\$1,268.00$)) <u>$\\$ 1,315.00$</u>
(viii)	Eight	(($\\$1,410.00$)) <u>$\\$ 1,462.00$</u>

(ix) For family units with more than eight members add ~~(($\$143.00$))~~ $\$147.00$ to the monthly income for each additional member.

(b) The department shall determine family income:

(i) ~~((Shall be determined))~~ According to AFDC methodology except for the exclusions in WAC 388-83-130 (5) and (6), and

(ii) Shall not use the costs incurred for medical care or for any other type of remedial care ~~((shall not be used))~~ to reduce the family income.

(3) Resource eligibility:

(a) The total value of the family's countable resources shall not exceed five thousand dollars.

(b) Countable resources are limited to cash, savings accounts, checking accounts, stocks, bonds, mutual fund shares, and certificates of deposit.

(c) The department shall not consider other resources ~~((are not considered))~~ in determining the eligibility of groups included in subsection (1) of this section.

(4) Changes in income or living situations shall not affect eligibility for medical assistance, during pregnancy or during the sixty-day period beginning on the last day of pregnancy:

(a) Once a pregnant woman is determined eligible under this section, or

(b) If at any time while eligible for and receiving medical assistance meets the eligibility requirements of this section.

(5) An infant or child who attains the maximum age as described in subsection (1)(a) or (b) of this section shall continue to be eligible until the later of:

(a) The end of the month in which the infant or child attains the maximum age, or

(b) The end of the month in which the infant or child receives inpatient services if:

(i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age, and

(ii) The stay for inpatient services continues into the following month(s), and

(iii) Who, but for attaining such age, would be eligible for assistance under this section.

WSR 88-08-043

**NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD**

[Memorandum—April 4, 1988]

TRANSPORTATION BUILDING
OLYMPIA, WASHINGTON 98504

Beginning at 9:30 a.m., Friday, April 15, 1988.

Note: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to April 8, 1988.

WSR 88-08-044

**ADOPTED RULES
STATE BOARD OF EDUCATION**

[Order 8-88—Filed April 4, 1988]

Be it resolved by the State Board of Education, acting at the Everett Holiday Inn, Everett, Washington, that it does adopt the annexed rules relating to Grant project—Student teaching pilot projects, chapter 180-115 WAC.

This action is taken pursuant to Notice No. WSR 88-05-052 filed with the code reviser on February 17, 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 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 March 25, 1988.

By Monica Schmidt
Secretary

Chapter 180-115 WAC
GRANT PROJECT—STUDENT TEACHING PILOT PROJECTS

WAC	
180-115-005	Authority.
180-115-010	Purpose.
180-115-015	Student teaching—Definition.

- 180-115-020 Grant project participants—
Definition.
- 180-115-025 Cooperating teacher—Definition.
- 180-115-030 Grantee agency—Definition.
- 180-115-035 Responsibilities of the grantee agency.
- 180-115-040 Pilot program grants.
- 180-115-045 Program development, implementa-
tion, and administration.
- 180-115-050 Grant application components.
- 180-115-055 Funding priorities.
- 180-115-060 Advisory committee.
- 180-115-065 Advisory committee selection criteria.
- 180-115-070 Advisory committee deadline.
- 180-115-075 Applications procedures.
- 180-115-080 Form and content of proposals.
- 180-115-085 Assurance of assessment.
- 180-115-090 Date for receipt of proposals by the
superintendent of public instruction.
- 180-115-095 Indirect costs.
- 180-115-100 General provision—Carryover
provision.
- 180-115-105 Timeline for projects.

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.

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 180-115-050(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.

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 ten 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 88-08-045
ADOPTED RULES
STATE BOARD OF EDUCATION
[Order 9-88—Filed April 4, 1988]

Be it resolved by the State Board of Education, acting at the Everett Holiday Inn, Everett, Washington, that it does adopt the annexed rules relating to state support of public schools, chapter 180-16 WAC.

This action is taken pursuant to Notice No. WSR 88-05-050 filed with the code reviser on February 17, 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 28A.58.754(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 March 25, 1988.

By Monica Schmidt
Secretary

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 88-08-046

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 10-88—Filed April 4, 1988]

Be it resolved by the State Board of Education, acting at the Everett Holiday Inn, Everett, Washington, that it does adopt the annexed rules relating to Professional certification—Preparation requirements, chapter 180-79 WAC.

This action is taken pursuant to Notice No. WSR 88-05-051 filed with the code reviser on February 17, 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 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 March 25, 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 88-08-047
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-285, Cause No. TG-2146—Filed April 4, 1988]

In the matter of amending WAC 480-149-120 relating to tariffs.

This action is taken pursuant to Notice No. WSR 88-05-044 filed with the code reviser on February 17, 1988. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 88-05-044 the above matter was scheduled for consideration at the commission's regular open meeting, to take place 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, Washington.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to March 18, 1988, and to submit data, views, or arguments orally at the regular open meeting noted above.

At the March 23, 1988, meeting the commission considered the rule change proposal. No written or oral comments were presented.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-149-120 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-149-120 as amended will assure notice to customers of tariff filings by garbage and refuse collection companies which propose to increase consumer rates.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-149-120 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 31st day of March, 1988.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

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.

Faculty Senate: The time for our luncheon meetings in spring quarter has been changed to 11:30 because of unexpected changes in teaching schedules. The place and dates remain the same (Faculty Club on April 13 and May 4).

WSR 88-08-050
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1971—Filed April 4, 1988]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chemical restrictions on alfalfa and clover in Kittitas County, chapter 16-230 WAC.

This action is taken pursuant to Notice No. WSR 88-05-055 filed with the code reviser on February 17, 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 chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 4, 1988.

By C. Alan Pettibone
 Director

WSR 88-08-048
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION PERSONNEL BOARD
 [Memorandum—April 4, 1988]

1988 MEETINGS REVISED

May 20	University of Washington Seattle, Washington
June 2	Edmonds Community College 20000 68th Avenue West Lynnwood, Washington
July 7	University of Washington Seattle, Washington
August 4	Peninsula College 1502 East Lauridsen Boulevard Port Angeles, Washington
September 1	University of Washington Seattle, Washington
October 6	Eastern Washington University Cheney, Washington
November 3	University of Washington Seattle, Washington
December 1	Western Washington University Bellingham, Washington

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 in Kittitas County on timothy hay mixed with alfalfa and/or clover shall only be prohibited within three days 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.

WSR 88-08-049
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—March 31, 1988]

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

(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 (Thrithion)
- (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 88-08-051 PROPOSED RULES INSURANCE COMMISSIONER

[Filed April 4, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning the Washington state health insurance pool, amending WAC 284-91-010 to enable a member to serve as both the administrator of the pool and as a director thereof, and amending WAC 284-91-020 to enable an out-of-state member to serve as the administrator of the pool, and to clarify other wording therein;

that the agency will at 10:00 a.m., Tuesday, May 10, 1988, in the Commissioner's Conference Room, 2nd Floor, Insurance Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 48.02.060, 48.44.050 and 48.46.200.

The specific statute these rules are intended to implement is RCW 48.41.040 and 48.41.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988. Mailing address: Insurance Building, AQ-21, Olympia, Washington 98504-0321.

Dated: April 4, 1988

By: David H. Rodgers
Chief Deputy
Insurance Commissioner

STATEMENT OF PURPOSE

Title: Chapter 284-91 WAC. Amendments are proposed to WAC 284-91-010 and 284-91-020, provisions of the health insurance access regulation which implements chapter 48.41 RCW, the Washington State Health Insurance Access Act.

The statutory authority for the proposed rules is RCW 48.02.060, 48.44.050 and 48.46.200, to effectuate the provisions of chapter 48.41 RCW.

The amendments to WAC 284-91-010 permit a director to serve as the administrator with the proviso that the director/administrator is disqualified from participation in the board's considerations and decisions in choosing the administrator as well as decisions dealing with the compensation to be paid to the administrator or matters dealing with the removal, renewal or replacement as administrator, or any matter in dispute between the board and the administrator. WAC 284-91-020(2) is amended to be compatible with an "ongoing" board of directors rather than setting forth the requirements for the "organizational" meeting of the board.

David H. Rodgers, Chief Deputy Insurance Commissioner, (206) 753-7302, is directly responsible for the drafting of the proposed rules and will supervise the implementation and enforcement of the rules. His address is Insurance Building, AQ-21, Olympia, Washington 98504-0321.

The rules are proposed by Dick Marquardt, the insurance commissioner, a state public official.

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

Small Business Economic Impact Statement: While the cost of participating in the Washington state health insurance pool could be significant, that is the result of the legislature's enactment of chapter 48.41 RCW. These amendments deal with implementation of the law and, in themselves, will have no impact on any employer because it has less than 50 employees. There is no basis under chapter 48.41 RCW for treating a "small business" differently from one with more than 50 employees.

AMENDATORY SECTION (Amending Order R 87-9, filed 8/27/87)

WAC 284-91-010 BOARD OF DIRECTORS. Pursuant to section 4(2), chapter 431, Laws of 1987, a board of directors for the Washington state health insurance pool is hereby established. Nine directors shall comprise the board, and shall be selected by position as follows:

(1) Natural persons shall be appointed by the commissioner to positions one, two, and three. Position one will represent the general public. Position two will represent health care providers. Position three will represent health insurance agents.

(2) At the organizational meeting six directors shall be elected by the "members" of the Washington state health insurance pool in attendance at such meeting. The statutory definition of "member" is set forth in section 3(12), chapter 431, Laws of 1987. Nomination for the members' positions shall be in accordance with the following procedures:

(a) Members who are health care service contractors, registered pursuant to chapter 48.44 RCW, shall nominate one member for position four. In the determination of the nominee for position four, each health care service contractor is entitled to one vote. The contractors will then nominate one member for position five. In the determination of the nominee for position five, each health care service contractor's vote shall be weighted in proportion to its share of the earned premiums received by all member contractors during the preceding calendar year. A health care service contractor is not eligible for position four or position five if it is controlled by a health maintenance organization or a commercial insurer.

(b) Members who are health maintenance organizations with certificates of authority pursuant to chapter 48.46 RCW shall nominate one member for position six. In the determination of the nominee for position six, each health maintenance organization is entitled to one vote. The health maintenance organizations will then nominate one member for position seven. In the determination of the nominee for position seven, each health maintenance organization's vote shall be weighted in proportion to its share of the total earned premium received by all member organizations during the preceding calendar year. A health maintenance organization is not eligible for position six or position seven if it is controlled by a health care service contractor or a commercial insurer.

(c) Members who are commercial insurers providing disability insurance pursuant to certificates of authority issued by the commissioner, shall nominate one member for position eight. In the determination of the nominee for position eight, each commercial insurer is entitled to one vote. The commercial insurers will then nominate a member for position nine. In the determination of the nominee for position nine, each commercial insurer's vote shall be weighted in proportion to its share of the total earned premiums for disability insurance received by all commercial insurers during the preceding calendar year. A commercial insurer is not eligible for position eight or position nine if it is controlled by a health care service contractor or a health maintenance organization.

(d) If, in the nomination process, more than two members are proposed and the resulting vote fails to produce a majority for any candidate, succeeding ballots will be conducted, each dropping the candidate with the lowest vote on the previous ballot until one member receives a majority vote for nomination.

(e) If, in the nominating process, there is a tie vote, the prevailing member will be determined by the flip of a coin, with the nominee

whose name comes first in alphabetical order making the call of heads or tails.

(f) For purposes of proportional voting in the nominating process, "earned premium" is that amount reported from the state of Washington in the most recent annual statement filed with the commissioner.

(3) The members nominated pursuant to subsection (2) of this section must be confirmed by a majority of the members present and voting at any election. If the confirming vote results in the rejection of any nominee proposed in accordance with subsection (2) of this section, the appropriate members will caucus and nominate a new candidate. Such nominee must be confirmed by a majority vote of those members present and voting.

(4) The following general rules apply to the nomination and election process set forth in subsections (2) and (3) of this section.

(a) Only one board position may be held by a member, its parent member or its subsidiary members.

(b) ~~((No))~~ A member may serve as both the administrator and a director. However, a director which submits a bid to become the administrator is disqualified from participating in the board's considerations and decision in choosing the administrator. While a director is also serving as the administrator, it is disqualified from participating in the board's considerations and decisions concerning:

(i) The compensation to be paid to the administrator;

(ii) Its removal, renewal, or replacement as administrator; and

(iii) Any matter in dispute between the board and the administrator.

(c) A member is eligible for election to the board of directors if, at time of election, it has at least one thousand persons insured under either individual or group contracts or both and has provided health expense benefits continuously for two or more years.

(d) Except as provided in subsections (2)(a), (b), and (c) of this section, each member shall have one vote which may be cast in person or by proxy granted in writing.

(e) Directors shall serve three-year terms or until a successor has been appointed or elected except as follows. The original directors in positions one, two, and three will first serve one-year terms. The original directors in positions four, six, and eight will first serve two-year terms. All other terms will be for three years or until a successor is appointed or elected.

(f) After the initial terms, elections for positions four through nine will be conducted in accordance with the procedures set forth in subsections (2) and (3) of this section at a time and place designated by the plan of operation.

AMENDATORY SECTION (Amending Order R 87-9, filed 8/27/87)

WAC 284-91-020 ORGANIZATIONAL MEETING, DUTIES OF BOARD OF DIRECTORS. (1) The organizational meeting at which nominations and elections are conducted shall be called by the commissioner, pursuant to notice given by mail to all members, which notice shall specify the time, place, and purpose of such meeting. The organizational meeting will be conducted by the commissioner or his designee.

(2) The board of directors shall meet at least once each calendar quarter with five directors constituting a quorum. ~~((At the first meeting after the organizational meeting;))~~ The board shall:

(a) Select a presiding officer;

(b) ~~((Initiate a search for))~~ Select an administrator which shall be either a member ~~((domiciled in this state))~~ or an experienced third party administrator with ~~((headquarters))~~ an office in this state;

(c) ~~((Consider retaining))~~ Retain such legal, actuarial, accounting, or other professional services as the directors deem necessary to operate the high risk health pool in a sound and competent manner;

(d) ~~((Determine the need for an))~~ Initiate such interim and regular assessments as may be reasonable and necessary for ~~((organizational or interim operating costs))~~ the operation of the high risk health pool in a sound and competent manner;

(e) Initiate efforts to develop a plan of operation as required by section 4(4), chapter 431, Laws of 1987; and

(f) Take such other ~~((matters))~~ action as the directors consider necessary and appropriate to properly initiate the activities of the high risk health pool pursuant to chapter 431, Laws of 1987.

WSR 88-08-052
PROPOSED RULES
HOSPITAL COMMISSION

[Filed April 5, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning methodology and criteria for approval, modification or disapproval of annual budget submittal and rates, rate schedules, other charges and changes therein, WAC 261-40-150;

that the agency will at 10:00 a.m., Thursday, May 12, 1988, in the Seattle Room at the West Coast Sea-Tac Hotel, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 2, 1988.

Dated: April 5, 1988

By: Maurice A. Click
 Executive Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Amend Title 261 WAC.

Purpose of Amendment: To clarify the treatment of contractual adjustments relating to contracts executed with the Department of Social and Health Services under the Medicaid selective contracting program and to make housekeeping changes in response to the "Reviser's note" at the end of the chapter.

Statutory Authority: RCW 70.39.180.

Summary of Rule Changes and Statement of Reasons Supporting the Proposed Action: WAC 261-40-150 (5)(e)(iii) for fiscal years beginning in 1987 and WAC 261-40-150 (5)(f)(iii) for fiscal years beginning on or after January 1, 1988. The existing rule was invalidated by a declaratory judgment in Thurston County Superior Court, *Washington Physicians Service, et al. v. Washington State Hospital Commission*, Thurston County Cause No. 87-2-02628-8. HB 2046 passed by the 1988 legislature and signed by the governor became effective March 16. The Medicaid selective contracting program is scheduled for implementation April 1; therefore emergency rules were adopted March 24 and filed with the code reviser March 28; WAC 261-40-150 (5)(d)(i)(D)(I) for fiscal years beginning in 1987 and WAC 261-40-150 (5)(e)(i)(D)(I) for fiscal years beginning on or after January 1, 1988. The healthcare financial management association has changed the name of this report; and housekeeping changes have been made in response to the "Reviser's note" at the end of the chapter.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of These Rules: Maurice A.

Click, Executive Director, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capitol Way, Mailstop FJ-21, Olympia, WA 98504, (206) 753-1990.

Name of the Organization Proposing the Rule: Washington State Hospital Commission.

These rules are necessary to comply with a state court decision.

Small Business Economic Impact Statement: The proposed amendments retain provisions for alternative systems of financial reporting and modifications to the uniform reporting system which provide specialized and reduced reporting requirements for small hospitals: WAC 261-20-060, 261-20-074 and 261-50-040. The Hospital Commission believes that these provisions enable small hospitals to report the information required by the statute in the least onerous fashion. The budget and rate review methodology and criteria described in WAC 261-40-150 provide exceptions for hospitals in Peer Group A in order to assure access to necessary health care in rural areas.

AMENDATORY SECTION (Amending Order 87-05, Resolution No. 87-05, filed 11/20/87)

WAC 261-40-150 METHODOLOGY AND CRITERIA FOR APPROVAL, MODIFICATION, OR DISAPPROVAL OF ANNUAL BUDGET SUBMITTAL AND RATES, RATE SCHEDULES, OTHER CHARGES, AND CHANGES THEREIN. The following methodology and criteria shall be utilized by the commission in reviewing and acting on annual budget submittals. The ~~((relative))~~ relative importance of each criterion, and the extent to which justification for variance from the methodology and criteria is accepted, is a matter of commission discretion:

The following is effective for hospital fiscal years beginning in 1987.

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;

(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs;

(d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit the hospital to render necessary, effective and efficient service in the public interest.

(3) Whether the commission action will assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(a) Rural includes all areas of the state with the following exceptions:

(i) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;

(ii) Areas within a twenty-mile radius of an urban area exceeding thirty thousand population; and

(iii) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) Whether the proposed budget and the projected revenues and expenses would result in the rate structure most reasonable under the

circumstances. The following shall be considered by the commission in making that determination:

(a) The commission shall determine whether the hospital's requested utilization statistics are reasonably attainable, based upon:

(i) Historical admission trends, including a revised current year estimate derived from seasonally-adjusted quarterly report information;

(ii) Historical trends of outpatient volumes as measured by inflation-adjusted outpatient revenue and outpatient equivalents of admissions;

(iii) Historical trends of the average length of stay;

(iv) Historical case mix indices as obtained from the commission hospital abstract reporting system; and

(v) Such other information as the commission may determine is appropriate as a basis for deviating from measures based upon historical trends including, but not limited to:

(A) Revisions necessary to maintain compliance with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Negotiated rate agreements that guarantee additional volumes related to a purchaser of hospital health care services;

(C) The implementation or deletion of services or programs for which certificate of need approval has been obtained, if required; and

(D) Other considerations presented by the hospital or other interested persons and determined to be appropriate by the commission.

(b) The commission shall utilize a principal screen to compare the hospital's requested net patient services revenue (total rate setting revenue less deductions from revenue) per adjusted case mix value unit to the hospital's baseline net patient services revenue per adjusted case mix value unit as calculated in item (i) below and modified by item (ii) below:

(i) Each hospital's baseline net patient services revenue per adjusted case mix value unit shall be calculated by applying to the individual hospital the same methodology utilized by the commission in establishing the volume, operating expense, and capital allowance components of the allocated target dollar amount of total state-wide hospital revenue adopted by the commission in accordance with RCW 70.39.150(6).

(ii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit does not exceed the revised baseline, the operating expense and capital allowance sections of the hospital's annual budget submittal will not be subject to further review provided that the resulting rates meet the criteria of subsection (5)(f), (6), and (7) of this section.

(iii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit exceeds the revised baseline, further review of the components of operating expense and capital allowance will be conducted.

(c) The commission shall determine whether the hospital's requested operating expenses are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the services are reasonably related to the total services offered by that hospital and are such that the hospital's costs do not exceed those that are necessary for a reasonably and prudently managed hospital, based upon:

(i) Adjusting the requested level of operating expenses to reflect the adjusted case mix value units as determined according to (a) of this subsection, utilizing the variable cost factors described in subsection (6) of this section;

(ii) Applying national hospital market basket inflation forecasts to operating expenses by natural classification. National inflation forecasts will be modified to reflect regional or state-wide economic conditions, as appropriate;

(iii) Such other information as the commission may determine is appropriate as a basis for deviating from the standard variable cost ratios specified in subsection (6) of this section or inflation forecasts. This information shall include but not be limited to:

(A) Revisions necessary to comply with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Reasonable operating expenses related to implementation or deletion of services or programs for which certificate of need approval has been obtained, if required;

(C) Reasonable operating expenses related to expansion or contraction of hospital capacity for which certificate of need approval has been obtained, if required;

(D) Volume adjustments of a magnitude which render the standard variable cost factors described in subsection (6) of this section inappropriate; and

(E) Other consideration presented by the hospital and determined to be appropriate by the commission.

(d) The commission shall determine whether the hospital's requested capital allowance is appropriate based upon the following:

(i) Capital allowance includes a return on net property, plant and equipment (property, plant and equipment less accumulated depreciation) used in hospital operations, an allowance for working capital, and other considerations as determined to be appropriate by the commission.

(A) The value for net property, plant and equipment shall be derived from the balances at the end of the hospital's current year, as approved by the commission, and the projected balances at the end of the budget year. An average shall be calculated. The average of the net property, plant and equipment shall be the base upon which the return shall be calculated.

(I) Any capital expenditures contained in the projected balances at the end of the budget year which are subject to certificate of need approval will be excluded from the base until such time as the certificate of need has been issued by the department of social and health services;

(II) Any assets contained in net property, plant and equipment that do not relate to hospital operations, as defined in the commission's Accounting and Reporting Manual for Hospitals, pursuant to WAC 261-20-030, will be excluded from the base.

(B) A return on net property, plant and equipment as determined in (I), (II), and (III) below shall be presumed appropriate; however, the commission may vary from that rate, higher or lower, where appropriate.

(I) The rate of return on equity financed net property, plant and equipment shall be calculated by averaging the reported interest rates on twenty-five-year "A" rated tax-exempt bonds as reported in each issue of Rate Controls from the three months ending on August 31 of each year.

(II) The rate of return on debt financed net property, plant and equipment shall be a blended average of each hospital's average interest rate on long-term debt and the rate of return on equity financed net property, plant and equipment. The blending schedule is as follows:

(aa) For hospital fiscal years beginning in 1987: Seventy-five percent - each hospital's average interest rate on long-term debt, twenty-five percent - rate of return on equity financed net property, plant and equipment;

(bb) For hospital fiscal years beginning in 1988: Fifty percent - each hospital's average interest rate on long-term debt, fifty percent - rate of return on equity financed net property, plant and equipment;

(cc) For hospital fiscal years beginning in 1989: Twenty-five percent - each hospital's average interest rate on long-term debt, seventy-five percent - rate of return on equity financed net property, plant and equipment;

(dd) For hospital fiscal years beginning in 1990 and each year thereafter: Zero percent - each hospital's average interest rate on long-term debt, one hundred percent - rate of return on equity financed net property, plant and equipment.

(III) After computation of the return on net property, plant and equipment, allowable interest expense on long-term debt shall be deducted from the computed return.

(C) Working capital increases, if requested, shall be added to the return on net property, plant and equipment for determination of the total capital allowance. Working capital increases up to thirteen and one-half percent of the increase in net patient services revenue from the approved budget in the current year to the approved budget as determined by the commission in the requested year shall be presumed appropriate; however, the commission may vary from that allowance, higher or lower, where appropriate.

(I) The commission may determine that a hospital which is found essential to assure access of the rural public to basic health care services is experiencing financial distress and may determine to vary from the allowance for working capital.

(II) The commission may determine to allow additional working capital where the hospital can demonstrate to the commission's satisfaction that its payer mix would require additional funding of accounts receivable.

(D) The commission may consider other elements in the determination of appropriate capital allowance for inclusion in total rate setting

revenue. These considerations include, but are not limited to, the following elements:

(I) Hospitals that have been undercapitalized as determined by an average accounting age of property, plant and equipment which exceeds one hundred fifty percent of the state-wide average; and a total turnover rate of assets which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest Hospital Industry ((Analysis)) Financial Report of the healthcare financial management association or a fixed asset turnover rate which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest Hospital Industry ((Analysis)) Financial Report of the healthcare financial management association, provided that:

(aa) The total level of capital allowance for undercapitalized hospitals should not exceed one hundred twenty-five percent of the baseline level; and

(bb) The requested rate per adjusted admission, as revised to reflect the hospital's case mix index, does not exceed the peer group median; and

(cc) The resulting increase in the rate per adjusted case mix value unit does not exceed one hundred twenty-five percent of the baseline median rate of increase.

(II) Whether that portion of debt principal payments which exceeds the total depreciation expense in the budget year should be allowed;

(III) If the hospital has been approved for equity funding or accumulation of funds for a project in the future and its rate per adjusted case mix value unit is at or below the median of its peer group, the proposed project is consistent with the hospital's long-range plan and financing plan which have been approved by the hospital's governing body, the proposed project is consistent with the health systems plan of the appropriate health systems agency, and any equity funding allowed in total rate setting revenue is maintained in a separate subaccount within board designated assets and cannot be used for any other purpose without prior approval of the commission; and

(IV) If the hospital has an approved certificate of need and related financing consistent with the approved certificate of need and the impact on rates of the additional funding is determined not to be excessive by the commission.

(e) Whether the budgeted deductions from revenue are appropriate:

(i) Contractual adjustments related to governmental programs, such as Titles V, XVIII, XIX of the Social Security Act, Department of Labor and Industries, self-insured workers' compensation, Veteran's Administration, and Indian Health Service are allowable as deductions from revenue for rate setting purposes when the hospital payment rates are established unilaterally by the program;

(ii) Contractual adjustments related to bank card discounts, negotiated rates and all other nongovernmental-sponsored patients are not allowable as deductions from revenue for rate setting purposes;

(iii) ~~((Selective contracting with Medicaid is specifically excluded from negotiated rates, and related contractual adjustments))~~ Contractual adjustments relating to contracts executed with the department of social and health services, under the Medicaid selective contracting program, are allowable as deductions from revenue for rate setting purposes;

(iv) Bad debts and charity will be trended as a percentage of total rate setting revenue over time and any significant changes will require justification;

(v) Administrative adjustments exceeding one-tenth of one percent of total rate setting revenue will require justification; ~~((and))~~ and

(vi) Deductions from revenue may be recomputed based on determinations in all ~~((further))~~ other areas of the budget.

(f) Whether the reviews performed in accordance with (a), (b), (c), (d) and (e) of this subsection result in rates, rate schedules, other charges, and changes therein which are the most reasonable under the circumstances.

(i) Rate setting revenue per adjusted case mix value unit should not exceed the 70th percentile of the peer group revenue screens as adjusted for each hospital's case mix index unless the hospital demonstrates to the commission's satisfaction that the relatively high rates are acceptable.

(ii) The commission may consider any other information it determines is appropriate as the basis for deviating from these criteria including the relative level of deductions from revenue experienced by the hospitals;

(iii) If the rates are not approved as requested, the hospital must submit revised rates to the commission within twenty days of the date of service of the decision and order.

(6) Whether the rates implemented and revenues collected by the hospital conform to the applicable commission determinations.

(a) For budget years beginning on or before 1986, conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of either the aggregate rate per adjusted patient day, or the revenues for individual revenue centers, as either may be modified, where appropriate, for volume variance between budgeted and actual levels; such comparison shall be made using actual, rather than budgeted, deductions from revenue.

The approved capital allowance shall be considered a fixed cost when considering year-end conformance. Only that portion of total costs per patient day designated as variable according to the following schedule will be adjusted for volume variance:

Peer groups 1 and 2 and specialty hospitals having fewer than fifty beds; fixed costs - eighty percent, variable costs - twenty percent.

Peer groups 3 and 4 and specialty hospitals having fifty or more beds; fixed costs - seventy percent, variable costs - thirty percent.

Peer groups 5 and 6 hospitals; fixed costs - sixty percent, variable costs - forty percent.

Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs, either in the aggregate or by revenue center. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable revenue variance due to volume changes.

The hospital may submit any justifying information to explain deviations/variances from approved revenues.

(b) For budget year 1987, conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of the aggregate rate per adjusted case mix value unit. The revenues may be modified, where appropriate, for volume variance between budgeted and actual levels of adjusted case mix value units.

(i) Actual allowable, rather than budgeted, deductions from revenue will be used in the conformance calculation.

(ii) The approved capital allowance shall be considered a fixed cost when considering year-end conformance.

(iii) Only that portion of total operating costs designated as variable according to the following schedule will be adjusted for volume variance:

(A) Peer Group A and specialty hospitals having fewer than fifty beds; fixed costs - eighty percent, variable costs - twenty percent;

(B) Peer Group B and specialty hospitals having from fifty to one hundred seventy-five beds; fixed costs - sixty-five percent, variable costs - thirty-five percent;

(C) Peer Group C and specialty hospitals having more than one hundred seventy-five beds; fixed costs - fifty percent, variable costs - fifty percent.

(iv) Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs by natural classification of expense. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable operating expense variance due to volume changes.

(v) The hospital may submit any proposed justifying information to explain deviations/variances from approved revenues.

(A) Any proposed justifying information must include at least the following supporting information:

(I) The exact nature and extent of the factors contributing to excess revenue;

(II) The date at which hospital management became aware of the factors contributing to excess revenue;

(III) The date at which hospital management increased rates above the allowable level taking into account volume changes and actual deductions from revenue;

(IV) An explanation of efforts to reduce other components of the budget to offset the factors contributing to the excess revenues; and

(V) An explanation of why the hospital did not seek a budget amendment.

(B) In no event will increased operating expenses be accepted as justification if the volume adjusted allowable operating expenses equal or exceed the actual level.

(C) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been controlled by hospital management.

(D) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been anticipated by the hospital or could have been

identified by the hospital in sufficient time to submit a budget amendment in accordance with WAC 261-20-045.

(E) In no event will capital allowance in excess of the approved level be accepted as justification.

(F) Hospitals will be allowed to retain any actual capital allowance in excess of the approved level that results from cost effective practices as defined as, and measured by, actual operating expenses that are below the volume adjusted approved operating expenses.

(vi) Staff shall notify each hospital found to be out of conformance based on this subsection, and a hearing shall be conducted by the commission on conformance within sixty days. If the commission determines that a hospital's revenues have not conformed to the applicable determinations for that year, a decision and order will be issued reducing the hospital's current budget and rates by the amount that actual revenues exceed allowable revenues.

(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services;

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

The following is effective for hospital fiscal years beginning on or after January 1, 1988.

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;

(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs; and

(d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit the hospital to render necessary, effective and efficient service in the public interest.

(3) Whether the commission action will assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(a) Rural includes all areas of the state with the following exceptions:

(i) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;

(ii) Areas within a twenty-mile radius of an urban area exceeding thirty thousand population; and

(iii) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

(b) The commission may, at its discretion, determine that individual hospitals located in areas meeting the aforementioned criteria should not be considered rural for purposes of conducting comparative budget reviews between hospitals. In such cases, the affected hospitals will be compared against those hospitals classified as either Peer Group B or Peer Group D for comparative purposes.

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) Whether the proposed budget and the projected revenues and expenses would result in the rate structure most reasonable under the circumstances. The following shall be considered by the commission in making that determination:

(a) For purposes of conducting comparative budget review, the commission shall assign each hospital to a peer group, as follows:

(i) Peer Group A - those hospitals designated as rural in accordance with WAC 261-40-150 (3)(a);

(ii) Peer Group B - those hospitals not designated within Peer Groups A, C, or D;

(iii) Peer Group C - those hospitals with accredited graduate medical education programs, except those that are classified within Peer Group D; and

(iv) Peer Group D - those hospitals which the commission has determined exhibit unique characteristics that make comparative analysis inappropriate.

(b) The commission shall determine whether the hospital's requested utilization statistics are reasonably attainable, based upon:

(i) The adjusted case mix value units for each hospital which were used to develop the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue; and

(ii) Maintaining a reasonable relationship between the volumes of each hospital department with the adjusted case mix value units which were used to develop the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue.

(A) Deviations from the volume levels determined through these procedures will be taken into account in the computation of year-end conformance, as described in WAC 261-40-150(6).

(c) The commission shall utilize a principal screen to compare the hospital's requested net patient services revenue (total rate setting revenue less deductions from revenue) per adjusted case mix value unit to the hospital's baseline net patient services revenue per adjusted case mix value unit as calculated in item (i) below and applied by items (ii), (iii), and (iv) below:

(i) Each hospital's baseline net patient services revenue per adjusted case mix value unit shall be calculated as follows:

(A) Baseline adjusted case mix value units shall be equal to the level utilized by the commission in establishing the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue;

(B) Baseline operating expenses shall be equal to the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue; and

(C) Baseline capital allowance shall be determined as an allocated amount of the capital allowance component of the target dollar amount of total state-wide hospital revenue. The allocation of the state-wide capital allowance component of the target dollar amount of total state-wide hospital revenue shall be calculated as follows:

(1) Each hospital's 1987 baseline capital allowance will be divided by the sum of all hospitals' 1987 baseline capital allowances; and

(II) The ratio resulting from (I) above shall be multiplied against the 1988 capital allowance component of the target dollar amount of total state-wide hospital revenue.

(ii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit does not exceed the revised baseline, the operating expense and capital allowance sections of the hospital's annual budget submittal will not be subject to further review provided that the resulting rates meet the criteria of subsections (5)(g), (6), and (7) of this section.

(iii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit exceeds the revised baseline, further review of the components of operating expense and capital allowance will be conducted.

(iv) Peer Group A hospitals with requested net revenues per adjusted case mix value unit which are at or below the 70th percentile for their peer group, and which are increasing from the current year approved level at a percentage change which is at or below the 70th percentile rate of change for the peer group, shall be exempted from the principal screen review and the review of operating expenses and capital allowance, so long as the budgeted adjusted case mix value units appear to be reasonably attainable.

(d) The commission shall determine whether the hospital's requested operating expenses are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the services are reasonably related to the total services offered by that hospital and are such that the hospital's costs do not exceed those that are necessary for a reasonably and prudently managed hospital, based upon:

(i) Adjusting the requested level of operating expenses to reflect the adjusted case mix value units as determined according to (5)(b) of this section, utilizing the variable cost factors described in subsection (6) of this section;

(ii) Applying national hospital market basket inflation forecasts to operating expenses by natural classification. National inflation forecasts will be modified to reflect regional or state-wide economic conditions, as appropriate; and

(iii) Such other information as the commission may determine is appropriate as a basis for deviating from the standard variable cost ratios specified in subsection (6) of this section or inflation forecasts. This information shall include but not be limited to:

(A) Revisions necessary to comply with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Reasonable operating expenses related to implementation or deletion of services or programs for which certificate of need approval has been obtained, if required;

(C) Reasonable operating expenses related to expansion or contraction of hospital capacity for which certificate of need approval has been obtained, if required;

(D) Volume adjustments of a magnitude which render the standard variable cost factors described in subsection (6) of this section inappropriate; and

(E) Other consideration presented by the hospital or other concerned persons and determined to be appropriate by the commission, including the impact that the acceptance of operating expense increases above the baseline level would have on the commission's ability to achieve total state-wide revenue that are within the target dollar amount of total state-wide hospital revenue as adopted by the commission in accordance with RCW 70.39.150(6), and comparative analysis of the hospital's operating expenses with hospitals within the same peer group.

(e) The commission shall determine whether the hospital's requested capital allowance is appropriate based upon the following:

(i) Capital allowance includes a return on net property, plant and equipment (property, plant and equipment less accumulated depreciation) used in hospital operations, an allowance for working capital, and other considerations as determined to be appropriate by the commission.

(A) The value for net property, plant and equipment shall be derived from the balances at the end of the hospital's current year, as approved by the commission, and the projected balances at the end of the budget year. An average shall be calculated. The average of the net property, plant and equipment shall be the base upon which the return shall be calculated.

(I) Any capital expenditures contained in the projected balances at the end of the budget year which are subject to certificate of need approval will be excluded from the base until such time as the certificate of need has been issued by the department of social and health services.

(II) Any assets contained in net property, plant and equipment that do not relate to hospital operations, as defined in the commission's Accounting and Reporting Manual for Hospitals, pursuant to WAC 261-20-030, will be excluded from the base.

(B) A return on net property, plant and equipment as determined in (I), (II), and (III) below shall be presumed appropriate; however, the commission may vary from that return, higher or lower, where appropriate.

(I) The rate of return on equity financed net property, plant and equipment shall be calculated by averaging the reported interest rates on twenty-five year "A" rated tax-exempt bonds as reported in each issue of Rate Controls from the three months ending on August 31, 1987.

(II) The rate of return on debt financed net property, plant and equipment shall be a blended average of each hospital's average interest rate on long-term debt and the rate of return on equity financed net property, plant and equipment. The blending schedule is as follows:

(aa) For hospital fiscal years beginning in 1988: Fifty percent - each hospital's average interest rate on long-term debt, fifty percent - rate of return on equity financed net property, plant and equipment;

(bb) For hospital fiscal years beginning in 1989: Twenty-five percent - each hospital's average interest rate on long-term debt, seventy-five percent - rate of return on equity financed net property, plant and equipment;

(cc) For hospital fiscal years beginning in 1990 and each year thereafter: Zero percent - each hospital's average interest rate on long-term debt, one hundred percent - rate of return on equity financed net property, plant and equipment.

(III) After computation of the return on net property, plant and equipment, allowable interest expense on long-term debt shall be deducted from the computed return.

(C) Working capital increases, if requested, shall be added to the return on net property, plant and equipment for determination of the total capital allowance. Working capital increases up to thirteen and one-half percent of the increase in net patient services revenue from the approved budget in the current year to the approved budget as determined by the commission in the requested year shall be presumed appropriate; however, the commission may vary from that allowance, higher or lower, where appropriate.

(I) The commission may determine that a hospital which is found essential to assure access of the rural public to basic health care services is experiencing financial distress and may determine to vary from the allowance for working capital.

(II) The commission may determine to allow additional working capital where the hospital can demonstrate to the commission's satisfaction that its payer mix would require additional funding of accounts receivable. In the event that increased working capital is determined by the commission to be necessary, but the amount of working capital is found by the commission to cause an excessive impact on total revenues or rates, the commission may choose to allow the hospital to borrow the necessary cash and to allow interest on borrowed cash as an operating expense in the budget year.

(D) The commission may consider other elements in the determination of appropriate capital allowance for inclusion in total rate setting revenue. These considerations include, but are not limited to, the following elements:

(I) Rural hospitals that have been under-capitalized as determined by an average accounting age of property, plant and equipment which exceeds one hundred fifty percent of the state-wide average; and a total turnover rate of assets which exceeds the upper quartile of far west hospitals of the same size category as defined in the latest "Hospital Industry ((Analysis)) Financial Report" of the healthcare financial management association or a fixed asset turnover rate which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest "Hospital Industry ((Analysis)) Financial Report" of the healthcare financial management association, provided that:

(aa) The total level of capital allowance for under-capitalized hospitals should not exceed one hundred twenty-five percent of the baseline level; and

(bb) The requested rate per adjusted admission, as revised to reflect the hospital's case mix index, does not exceed the peer group median; and

(cc) The resulting increase in the rate per adjusted case mix value unit does not exceed one hundred twenty-five percent of the budgeted peer group median rate of increase.

(II) Whether that portion of debt principal payments which exceeds the total depreciation expense in the budget year should be allowed;

(III) Whether the capital allowance should include equity funding or accumulation of funds for a project in the future, if the hospital's rate per adjusted case mix value unit is at or below the median of its peer group, the proposed project is consistent with the hospital's long-range plan and financing plan which have been approved by the hospital's governing body, and any equity funding allowed in total rate setting revenue is maintained in a separate subaccount within board designated assets and cannot be used for any other purpose without prior approval of the commission;

(IV) If the hospital has an approved certificate of need and related financing consistent with the approved certificate of need and the impact on rates of the additional funding is determined not to be excessive by the commission; and

(V) Other considerations proposed by the hospital or other interested persons and determined to be appropriate by the commission, including the impact that any deviation from the baseline capital allowance will have on the commission's ability to achieve total state-wide hospital revenue that do not exceed the target dollar amount of total state-wide hospital revenue as adopted by the commission in accordance with RCW 70.39.150(6).

(f) Whether the budgeted deductions from revenue are appropriate:

(i) Contractual adjustments related to governmental programs, such as Titles V, XVIII, XIX of the Social Security Act, Department of Labor and Industries, self-insured workers' compensation, Veteran's Administration, and Indian Health Service are allowable as deductions from revenue for rate setting purposes when the hospital payment rates are established unilaterally by the program.

(ii) Contractual adjustments related to bank card discounts, negotiated rates and all other nongovernmental-sponsored patients are not allowable as deductions from revenue for rate setting purposes;

(iii) ~~((Selective contracting with Medicaid is specifically excluded from negotiated rates, and related contractual adjustments))~~ Contractual adjustments relating to contracts executed with the department of social and health services, under the Medicaid selective contracting program, are allowable as deductions from revenue for rate setting purposes;

(iv) Bad debts and charity will be trended as a percentage of total rate setting revenue over time and any significant changes will require justification;

(v) Administrative adjustments exceeding one-tenth of one percent of total rate setting revenue will require justification; and

(vi) Deductions from revenue may be recomputed based on determinations in all other areas of the budget.

(g) Whether the reviews performed in accordance with (a), (b), (c), (d), (e) and (f) of this subsection result in rates, rate schedules, other charges, and changes therein which are the most reasonable under the circumstances.

(i) Rate setting revenue per adjusted case mix value unit should not exceed the 70th percentile of the peer group revenue screens as adjusted for each hospital's case mix index unless the hospital demonstrates to the commission's satisfaction that the relatively high rates are acceptable;

(ii) After allocating deductions from revenue and capital allowance to the various hospital revenue centers as a constant percentage of operating expenses, cross subsidization shall not exceed plus or minus five percent of expenses for rate setting, unless the commission concurs with a specific hospital request for larger levels of cross subsidization or the hospital is a basic service hospital as defined by the commission.

(iii) The commission may consider any other information it determines is appropriate as the basis for deviating from these criteria including the relative level of deductions from revenue experienced by the hospitals;

(iv) If the rates are not approved as requested, including the disapproval of requested cross-subsidization levels, the hospital must submit revised rates to the commission within twenty days of the date of service of the decision and order. Upon notification that the rates are in accordance with the decision and order, the approved rates are the maximum revenue that a hospital may receive for each unit of service, except for such rate changes as may be necessary to reflect differences between approved and actual volumes and deductions from revenue. Variable costs associated with changes in volumes will be determined in accordance with the variable cost ratios as described in (6)(d) below.

(6) Whether the rates implemented and revenues collected by the hospital in the previous budget year conformed to the applicable commission determination for that year.

(a) Conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of the aggregate rate per adjusted case mix value unit. The revenues may be modified, where appropriate, for volume variance between budgeted and actual levels of adjusted case mix value units.

(b) Actual allowable, rather than budgeted, deductions from revenue will be used in the conformance calculation.

(c) The approved capital allowance shall be considered a fixed cost when considering year-end conformance.

(d) Only that portion of total operating costs designated as variable according to the following schedule will be adjusted for volume variance:

(i) Peer Group A and specialty hospitals having fewer than fifty beds; fixed costs - eighty percent, variable costs - twenty percent;

(ii) Peer Group B and specialty hospital having from fifty to one hundred seventy-five beds; fixed costs - sixty-five percent, variable costs - thirty-five percent; and

(iii) Peer Group C and specialty hospitals having more than one hundred seventy-five beds; fixed costs - fifty percent, variable costs - fifty percent.

(e) Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs by natural classification of expense. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable operating expense variance due to volume changes.

(f) The hospital may submit any proposed justifying information to explain deviations/variances from approved revenues.

(i) Any proposed justifying information must include at least the following supporting information:

(A) The exact nature and extent of the factors contributing to excess revenue;

(B) The date at which hospital management became aware of the factors contributing to excess revenue;

(C) The date at which hospital management increased rates above the allowable level taking into account volume changes and actual deductions from revenue;

(D) An explanation of efforts to reduce other components of the budget to offset the factors contributing to the excess revenues; and

(E) An explanation of why the hospital did not seek a budget amendment.

(ii) In no event will increased operating expenses be accepted as justification if the volume adjusted allowable operating expenses equal or exceed the actual level.

(iii) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been controlled by hospital management.

(iv) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been anticipated by the hospital or could have been identified by the hospital in sufficient time to submit a budget amendment in accordance with WAC 261-20-045.

(v) In no event will capital allowance in excess of the approved level be accepted as justification.

(vi) Hospitals will be allowed to retain any actual capital allowance in excess of the approved level that results from cost effective practices as defined as, and measured by, actual operating expenses that are below the volume adjusted approved operating expenses.

(g) Staff shall notify each hospital found to be out of conformance within sixty days of receiving the hospital's year-end conformance reports. If the commission determines that a hospital's revenues have not conformed to the applicable determinations for that year, a decision and order will be issued reducing the hospital's current budget and rates by the amount that actual revenues exceed allowable revenues.

(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services; and

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

WSR 88-08-053

PROPOSED RULES

EVERETT COMMUNITY COLLEGE

[Filed April 5, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules concerning description of central and field organization of Community College District V, WAC 132E-276-030;

that the institution will at 2:00 p.m., Monday, May 16, 1988, in the Administrative Conference Room, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.50.040.

The specific statute these rules are intended to implement is RCW 28B.50.040.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 16, 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:

Mr. Robert J. Drewel, President
Everett Community College
801 Wetmore
Everett, WA 98201
(206) 259-7151, ext. 202

Dated: March 30, 1988

By: Robert J. Drewel
President

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
WAC 132E-276-030 Description of central and field organization of Community College District V.

Statutory Authority: RCW 28B.50.040.

Summary of the Rule(s): This notice proposes an amendment of WAC 132E-276-030 addressing District V boundaries.

The board of trustees of Washington Community College District V proposes this repeal.

Reasons Supporting the Proposed Rule(s): Everett Community College and Edmonds Community College now operate as two separate districts within the community college system.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Mr. Robert J. Drewel, President, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151 ext. 202.

Name of Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

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

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

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

AMENDATORY SECTION (Amending Order 4393, filed 12/28/73, effective 1/30/74)

~~WAC 132E-276-030 DESCRIPTION OF ((CENTRAL AND FIELD ORGANIZATION OF)) COMMUNITY COLLEGE DISTRICT V. Community College District V is organized under ((chapter 28B.50 RCW, with headquarters at 112th Street Southwest and Navajo Avenue, Everett, Washington 98204. The district operates Edmonds Community College at 20000 68th Avenue West, Lynnwood, Washington 98306, Everett Community College at)) RCW 28B.50.040. The district operates at Everett Community College, 801 Wetmore Avenue, Everett, Washington 98201((-and other field activities~~

~~as may be established from time to time)), and encompasses the following area:~~

~~All of Snohomish County except the Edmonds School District No. 15, and those portions of the Mukilteo School District No. 6, the Northshore School District No. 417, and the Everett School District No. 2 that lie south of 124th Street.~~

WSR 88-08-054

NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Memorandum—April 4, 1988]

The Washington State Human Rights Commission will hold its next regular commission meeting in Everett on April 27 and 28, 1988. The meeting on April 27 will be held at the Everett Pacific Hotel, Camano Room, 3105 Pine, Everett, beginning at 7:00 p.m. and will be a training and work session. The regular business meeting will be held at the County Administration Building, Ginni Stevens Hearing Room, 3000 Rockefeller, First Floor, Everett, beginning at 9:30 a.m. on April 28. The main topic of discussion for the April meeting will be human rights issues/Native Americans and housing as it is addressed by the law against discrimination.

WSR 88-08-055

EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 88-13—Filed April 5, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these regulations provide for additional harvest opportunity on Drano Lake and the Icicle and Wind rivers, and additional fishing areas with weekly closed periods on the Klickitat River. There regulations will allow harvest of available chinook salmon.

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

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

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

APPROVED AND ADOPTED April 5, 1988.

By R. Kahler Martinson
For Joseph R. Blum
Director

NEW SECTION

WAC 220-57-29000J ICICLE RIVER. Notwithstanding the provisions of WAC 220-57-290, effective May 1 through June 30, 1988, Bag Limit A in those waters downstream from a point 400 feet below the Leavenworth National Fish Hatchery rack to a set of fishery boundary markers located at the mouth.

NEW SECTION

WAC 220-57-31500H KLUCKITAT RIVER. Notwithstanding the provisions of WAC 220-57-315:

(1) Effective immediately through May 27, 1988, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Klickitat River downstream from the confluence of the Little Klickitat River to a point 400 feet above the No. 5 Fishway except Bag Limit A on April 16, 23, and 30, and May 7, 14, and 21, 1988, except that only one adult salmon may be retained or possessed.

(2) Effective April 7 through May 31, 1988, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Klickitat River downstream from the Fisher Hill Bridge to the mouth except open to salmon angling from the Swinging Bridge to the mouth under Bag Limit A on April 16, 23, and 30, and May 7, 14, and 21, 1988, except that only one adult salmon may be retained or possessed.

Reviser's note: The typographical error 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 220-57-50500N LITTLE WHITE SALMON RIVER (DRANO LAKE). Notwithstanding the provisions of WAC 220-57-505, effective April 7 through May 29, 1988, Bag Limit A four days per week, Thursday through Sunday only, downstream from markers on the point of land downstream and across from the Federal Salmon Hatchery.

NEW SECTION

WAC 220-57-51500C WIND RIVER. Notwithstanding the provisions of WAC 220-57-515, effective April 7 through May 30, 1988, Bag Limit A five days per week, Thursday through Monday only, downstream from markers 400 feet below Shipperd Falls to markers at the outer land points downstream from the Burlington Northern Railroad Bridge at the mouth of the Wind River.

WSR 88-08-056

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 246, Resolution No. 255—Filed April 5, 1988]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control

Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to designated portion of club used for service and consumption of liquor, WAC 314-40-080.

This action is taken pursuant to Notice No. WSR 88-06-055 filed with the code reviser on March 2, 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 under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

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

APPROVED AND ADOPTED April 5, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Rule 110, filed 6/13/63)

WAC 314-40-080 DESIGNATED PORTION OF CLUB USED FOR SERVICE AND CONSUMPTION OF LIQUOR. (1) Each club shall submit a sketch of the entire premises including the portion used for storage, sale and consumption of liquor, for approval. No change in any portion of the club premises so described and approved shall be made without the consent of the board.

(2) Where the physical setup of the club rooms or quarters renders it practical so to do, such portion of the club premises shall be a room or rooms devoted solely to such service and capable of being entirely closed from the remainder of the club rooms or quarters. Bona fide members may possess and consume their own liquor at any time and in any part of the club premises as permitted under the bylaws and/or house rules of the club, provided such bylaws and/or house rules have been ((approved by)) filed with the board.

(3) If the club rents any portion of the club rooms or quarters for any purpose other than a strictly club purpose, or holds any function within the club rooms or quarters to which the public generally is invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein, except bona fide members, bona fide visitors and bona fide guests. If such portion cannot be so closed, then no such liquor service whatever shall be permitted within the club rooms or quarters during the entire time when such nonclub activity is taking place or while the public generally is permitted within the club rooms or quarters.

WSR 88-08-057

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 245, Resolution No. 254—Filed April 5, 1988]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to notice and opportunity for hearing in contested cases, WAC 314-08-080.

This action is taken pursuant to Notice No. WSR 88-06-056 filed with the code reviser on March 2, 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 under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

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

APPROVED AND ADOPTED April 5, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Resolution No. 2, Rule 08.080, filed 6/13/63)

WAC 314-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES. In any contested case, all parties shall be served with a notice at least ~~((ten))~~ twenty days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1) and WAC 314-04-010.

WSR 88-08-058

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed April 5, 1988]

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

Amd WAC 356-34-170 Filing of papers with the State Personnel Board.
Rep WAC 356-34-150 Computation of time;

that the agency will at 10:00 a.m., Thursday, May 12, 1988, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.06.150.

The specific statute these rules are intended to implement is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

Dated: April 5, 1988

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-34-170.

Title: Filing of papers with the State Personnel Board.

Purpose: The rule defines time limits for filing actions with the State Personnel Board.

Statutory Authority: RCW 41.06.150.

Summary: Will clarify the time periods involved with State Personnel Board filings and combine WAC 356-34-150 into WAC 356-34-170.

Reasons: To clarify the meaning to apply only to time periods for filing papers with the State Personnel Board. It would not apply to other situations such as disciplinary actions.

Responsibility for Drafting: Paul Peterson, Department of Personnel, 600 South Franklin, FE-11, Olympia, WA 98504, phone (206) 586-1769; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel.

Result of Federal Law, or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 123, filed 9/26/78, effective 10/26/78)

WAC 356-34-170 FILING OF PAPERS ~~((WITH THE STATE PERSONNEL BOARD))~~—COMPUTATION OF TIME. (1) Papers required to be filed with the state personnel board shall not be deemed filed until actual receipt of the paper by the department of personnel ((board)) at the office of the director of personnel in Olympia, Washington. The director of personnel or designee shall issue an acknowledgment stating the date filed.

(2) Periods of notice or periods of time within which acts are to be completed, as prescribed or allowed by these rules or by order of the board, shall be computed by excluding the first and including the last day unless specifically provided in these rules to the contrary. If the last day is a Saturday, Sunday or holiday, the act must be completed on the next business day, unless a period of notice is being computed and such Saturday, Sunday or holiday is a regularly scheduled workday for the employee. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

WAC 356-34-150 COMPUTATION OF TIME

WSR 88-08-059
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 5, 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 social services for families, children and adults, amending chapter 388-15 WAC;

that the agency will at 10:00 a.m., May 12, 1988, Thursday, 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 May 13, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 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 April 28, 1988. The meeting site is in a location which is barrier free.

Dated: April 4, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Purpose of the Rule Changes: To amend WAC 388-15-215 and 388-15-217.

Reason These Rule Changes are Necessary: To control expenditures for chore services; and assure that the two sections are consistent with the rest of the chore service WACs.

Statutory Authority: RCW 74.08.090.

Summary of Rule Changes: Deletion of references to attendant care and family care since these services were terminated effective April 1, 1988, for new applicants;

delete option of authorizing chore services to community options program entry system eligible clients; clarify eligibility of employed disabled applicants for chore services; and editorial changes.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Samuel H. Koshi, Chore Services Program, Aging and Adult Services Administration, phone (206) 753-1851 or scan 234-1851, mailstop HB-11.

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

AMENDATORY SECTION (Amending Order 2298, filed 10/30/85)

WAC 388-15-215 LIMITATIONS ON PROGRAM. (1) The department shall not pay for chore services ((program is not a) for teaching or companionship ((program and cannot) purposes.

(2) Chore services shall not be used for the purpose of delivering skilled nursing care or developing social, behavioral, recreational, communication, or other types of skills. ((Companionship means being with a person in his or her home for the purpose of preventing loneliness or to accompany him or her outside the home, except on basic errands or medical appointments or activities of daily living for attendant care clients.))

~~((2))~~ (3) The department shall not provide chore services ((cannot be provided)) to a resident or provider in:

- (a) A group home,
- (b) Licensed boarding home,
- (c) Congregate care facility,
- (d) Intermediate care facility,
- (e) Skilled nursing facility,
- (f) Hospital, ~~((or other))~~
- (g) Institution,
- (h) Adult family home, or
- (i) Child foster home.

Shared living arrangements are not considered group homes.

~~((3))~~ (4) The department shall provide chore services ((are provided)) for the person needing and authorized to receive the service, but not for other household members unless ((the services are part of the total chore services plan which includes the household members as eligible service clients)) they also meet the eligibility criteria for the service.

~~((4))~~ (5) The department shall not provide chore services ((are not provided)) when community resources or family, neighbors, friends, or volunteers are available and willing to provide the service without charge.

~~((5))~~ (6) The department shall not authorize or reauthorize chore services ((may not be authorized)) for an applicant((/recipient)) or client who is eligible to receive community options program entry system funding or other duplicative services payment((, provided the person's benefit would not be less under this stipulation)).

~~((6))~~ (7) The department ((paid)) shall not pay for chore services ((are not provided)) for hourly care clients when ((they)) the clients are not ((in the)) residing at home, for example, because of hospitalization. In an emergency, however, the department may pay for limited services ((may be provided)) to enable the client to return home.

~~((7))~~ Department paid chore services are not provided attendant care clients when they are not in the home, for example, because of hospitalization. If necessary, however, up to seven days during the service month may be provided to enable the client to return home.))

(8) The department shall re-evaluate all approvals for additional hours ((and higher payment rates are reevaluated)) periodically, ((as determined by the department)). ((These reevaluations are continued)) The department shall continue, ((denied)) deny, or ((altered)) alter services to correspond with the client's present chore services need. The department shall send the client ((shall receive)) a notice of ((his or her)) the right to contest ((reevaluations which are denied)) denials of service or ((approved at a lower rate of payment or)) approval of fewer service hours than ((initially)) previously approved.

(9) The department shall not pay for chore services ((cannot be used)) for child care for working parent(s).

~~((10))~~ In family care, the chore services provider may not act as a parent substitute or make major decisions affecting the children.

~~(11) Chore services may only be authorized up to the amount allocated to the regions and division of developmental disabilities in accordance with RCW 74.08.541. Eligible clients or applicants can receive service if authorization is within the amount available. Clients or applicants are provided service based on their assessed need and level of income within the chore services expenditure lid.)~~

AMENDATORY SECTION (Amending Order 2028, filed 10/6/83)

~~WAC 388-15-217 CHORE ((OR ATTENDANT CARE)) SERVICES FOR EMPLOYED DISABLED ADULTS. (1) ((Notwithstanding other provisions of WAC 388-15-207 through 388-15-215, employed disabled adults shall be eligible for chore or attendant care services as provided in this section, with cost participation, as authorized by RCW 74.08.570.~~

~~(2)) The following definitions shall apply for purposes of this section:~~

~~(a) "Employed" means engaged on a regular ((monthly)) basis in any work activity for which monetary compensation is obtained.~~

~~(b) "Total income" is the sum of an applicant's unearned income plus gross earned income.~~

~~(2) Employed disabled adults shall be eligible for chore services as provided in this section if they are otherwise eligible under the provisions of WAC 388-15-207 through 388-15-215. The employed disabled adults shall participate in the cost of care as authorized by RCW 74.08.570.~~

~~(3) To be eligible for chore ((or attendant care)) services under this section, a client or applicant ((must)) shall meet all of the following conditions:~~

~~(a) Be eighteen years of age or older.~~

~~(b) Be a resident of the state of Washington.~~

~~(c) Be determined by the department to be disabled as specified in subsection (4) of this section.~~

~~(d) Be willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.~~

~~(e) Be employed.~~

~~(f) Have earned income which is less than forty percent of the state median income after subtracting work expenses, the cost of chore services, and any medical expenses which are not covered through insurance or another source and such medical expenses are incurred to allow the disabled person to work.~~

~~(g) ((Have)) Be in need of chore ((or attendant care need)) services as determined by the department using ((the)) a client review questionnaire.~~

~~(h) ((Not)) Have unearned income ((exceeding)) at or below forty percent of the state median income or be an adult supplemental security income and/or state supplementation recipient.~~

~~(i) ((Not have resources exceeding)) Meet the ((limitations)) resource limits specified for the chore services program in WAC 388-15-209 (2)((+))(e) and (f).~~

~~(j) Promptly report to the department in writing any changes in income or resources which may effect eligibility.~~

~~(k) Agree to pay all chore ((or attendant care services)) service costs beyond the state's contribution as determined using a sliding fee schedule.~~

Percentage of State Median Income (After Deductions)	Percentage of Rate Paid By The Department
Above 0 through 5	95
Above 5 through 10	90
Above 10 through 15	85
Above 15 through 20	80
Above 20 through 25	75
Above 25 through 30	70
Above 30 through 35	65
Above 35 through 40	60

~~(l) Meet all other requirements for the chore ((or attendant care)) services program as defined in WAC 388-15-207 through 388-15-215.~~

~~(4) For purposes of this section, an applicant is disabled if either of the following conditions is satisfied:~~

~~(a) The department has previously determined the applicant ((previously has been determined)) "disabled" for the purpose of receiving~~

social security disability insurance (SSDI) or supplemental security income (SSI) or federal aid medical care only (FAMCO), and ((the department determines that)) there has been no appreciable improvement in the applicant's disabling condition(s) since that disability determination was made.

(b) The applicant is determined by the department to have a medically determinable physical or mental impairment which((, except for the applicant's ability to perform gainful activity,)) is comparable in severity to a disability which would qualify an applicant for medical assistance related to Title XVI under WAC 388-92-015 (3)(c).

(5) The department shall pay its share of chore ((or attendant care)) service costs to the client following receipt of documentation that the services were provided. If the department verifies that less service is ((verified)) provided in any month than the maximum authorized, the department shall pay a prorated portion of its share of cost. The client shall employ the chore ((or attendant care)) service provider and shall pay the provider the full amount due for services rendered. If the client receives services exceeding those authorized by the department, or agrees to a rate of pay exceeding that authorized by the department, the client shall be responsible for paying the amount exceeding the department's authorized service cost.

(6) The department shall compute an applicant's work-related expenses ((shall be computed by the department)) as follows:

(a) The department shall deduct work-related expenses ((shall be deducted)) in accordance with the "percentage method" or the "actual method," whichever is chosen by the client((-));

(b) If the client chooses the "percentage method," the department shall deduct twenty percent of the gross earned income ((shall be deducted-));

(c) If the client chooses the "actual method," the department shall deduct the actual cost of each work-related expense ((shall be deducted)). The department shall use this method ((shall be used)) only when the client provides written verification of all work related expenses claimed.

(d) When determined by the "actual method," allowable work expenses shall consist of:

(i) Child care;

(ii) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, not to include rental cars; and,

(iv) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished or reimbursed by the employer, and uniforms and clothing needed on the job but not suitable for wear away from the job.

(e) Even if verified, the department shall not count work-related expenses ((shall not be counted)) in excess of the applicant's gross earned income.

(f) The client shall have the option to change methods whenever he or she reports income to the ((CSO)) appropriate department staff.

WSR 88-08-060
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 5, 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 conditions of payment—Medicare deductible and coinsurance—When paid by department, amending WAC 388-87-011;

that the agency will at 10:00 a.m., May 12, 1988, Thursday, 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 May 13, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 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 April 28, 1988. The meeting site is in a location which is barrier free.

Dated: April 4, 1988
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amend 388-87-011.

Purpose: To allow for payment of outlier costs of Medicare/Medicaid crossover recipients.

Reason: Required by federal regulations.

Statutory Authority: RCW 74.08.090.

Summary: When the patient's Part A benefits and lifetime reserve days are exhausted and Medicaid outlier status is identified, the Medicare diagnosis related group (DRG) based formula payment will be supplemented according to the Medicaid outlier reimbursement policy. Cost outlier status is reached when the cost of the case exceeds 1.5 times the basic DRG or \$12,000, whichever is greater.

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

Rules are proposed by DSHS.

These rules are not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 1972, filed 6/16/83)

WAC 388-87-011 CONDITIONS OF PAYMENT—MEDICARE DEDUCTIBLE AND COINSURANCE—WHEN PAID BY DEPARTMENT. The department shall be responsible for the deductible and coinsurance amounts for recipients participating in the benefits of Parts A and B of Medicare (Title XVIII of the Social Security Act) when the following conditions are met:

(1) Total combined reimbursement to the provider from Medicare and the department does not exceed the department's fee schedule, see WAC 388-87-010.

(a) When the patient's Part A benefits and lifetime reserve days are not exhausted, the Medicare DRG shall be recognized as payment in

full. Except for deductible and coinsurance amounts, Medicaid will not pay for the stay.

(b) When the patient's Part A benefits and lifetime reserve days are exhausted and no outlier status is identified, the Medicare DRG shall be recognized as payment in full. Except for deductible and coinsurance amounts, Medicaid will not pay for the stay.

(c) When the patient's Part A benefits and lifetime reserve days are exhausted and Medicaid outlier status is reached, Medicaid shall pay for the amount beyond the outlier threshold based on the policy described in (d) of this subsection. Medicaid shall not reimburse for a second separate DRG.

(d) The department's outlier policy shall be based on the methodology prescribed in the department's Title XIX State Plan, Methods and Standards Used for Establishing Payment Rates for Hospital Inpatient Services.

(2) The provider accepts assignment for Medicare payment.

WSR 88-08-061

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

(Wheat Commission)

[Filed April 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Wheat Commission intends to adopt, amend, or repeal rules concerning WAC 16-528-210, amending rules of the Washington Wheat Commission to delete the specific assessment rate in this section and make reference to the assessment rate stated in WAC 16-528-040;

that the agency will at 1:15, Wednesday, May 18, 1988, in the Office of the Washington Wheat Commission, 404 Great Western Building, West 905 Riverside, Spokane, WA 99201, 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 15.66.140(2).

The specific statute these rules are intended to implement is WAC 16-528-210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 18, 1988.

Dated: April 6, 1988

By: J. Allen Stine

Ex Officio Member

STATEMENT OF PURPOSE

Title: WAC 16-528-210, rules of the Wheat Commission.

Description of Purpose: Delete the specific assessment rate and make reference to the assessment rate stated in WAC 16-528-040.

Summary of Rules: Amends WAC 16-528-210 to refer to WAC 16-528-210 [16-528-040].

Reason Supporting Proposed Action: Simplifies the amendment process. This section would not need to be amended every time the assessment rate is changed.

Agency Personnel Responsible for Drafting and Implementation: Roger L. Roberts, Agricultural Programs Administration, Washington State Department of Agriculture, 406 General Administration Building, AX-41,

Olympia, WA 98504; and Enforcement: Washington Wheat Commission.

Persons Proposing Rules: Washington Wheat Commission.

Agency Comments: None.

Rule not necessary as a result of federal law or federal or state court action.

Economic Impact Statement: None.

AMENDATORY SECTION (Amending Minute Order, filed 9/8/58)

WAC 16-528-210 ASSESSMENTS—RATE—DUTY OF HANDLERS, WAREHOUSEMEN, AND PROCESSORS. The following resolution with respect to assessment collection methods was unanimously approved. "Resolved, that the Washington wheat commission adopts and promulgates the following assessment collection method as the sole and only means applicable and in effect and that the commission do and hereby does require handlers including warehousemen and processors receiving wheat in commercial quantities from the producer, to collect (~~a one-fourth cent per bushel~~) the assessment stated in WAC 16-528-040 from producers whose production they handle and remit the same to the Washington Wheat Commission, 409 Empire State Building, Spokane, Washington. A commodity credit corporation designated lending agency, and CCC as such in direct loans to producers, shall be deemed a handler for purposes of this resolution. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business."

WSR 88-08-062
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 6, 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 the amending of the minimum functional standards for solid waste handling, chapter 173-304 WAC, to include requirements for closure and post closure care of solid waste handling facilities.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 2, 1988.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

This notice is connected to and continues the matter in Notice No. WSR 88-04-074 filed with the code reviser's office on February 3, 1988.

Dated: April 5, 1988
 By: Phillip C. Johnson
 Deputy Director, Programs

WSR 88-08-063
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 6, 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 Grays Harbor County, amending WAC 173-19-220;

that the agency will at 7:00 p.m., Monday, May 16, 1988, in the Pearsall Building Meeting Room, 2109 Sumner Avenue, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1988.

Dated: April 6, 1988
 By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-220, Grays Harbor County.

Description of Purpose: Adoption of a revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts a revision to the shoreline master program for Grays Harbor County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective as state regulations until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry A. Wenger, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6767.

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: None.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 87-25, filed 8/26/87)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. Revision approved July 5, 1988.

WSR 88-08-064
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 6, 1988]

WSR 88-08-065
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 6, 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 Aberdeen, city of, amending WAC 173-19-2201;

that the agency will at 7:00 p.m., Monday, May 16, 1988, in the Pearsall Building Meeting Room, 2109 Sumner Avenue, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1988.

Dated: April 6, 1988
By: Phillip C. Johnson
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2201, Aberdeen, 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 a revision to the shoreline master program for the city of Aberdeen.

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 as state regulations until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry A. Wenger, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6767.

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: None.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2201 ABERDEEN, CITY OF. City of Aberdeen master program approved June 30, 1975. Revision approved July 5, 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 Cosmopolis, city of, amending WAC 173-19-2202;

that the agency will at 7:00 p.m., Monday, May 16, 1988, in the Pearsall Building Meeting Room, 2109 Sumner Avenue, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1988.

Dated: April 6, 1988
By: Phillip C. Johnson
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2202, Cosmopolis, 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 a revision to the shoreline master program for the city of Cosmopolis.

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 as state regulations until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry A. Wenger, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6767.

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: None.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2202 COSMOPOLIS, CITY OF. City of Cosmopolis master program approved August 12, 1974. Revision approved July 5, 1988.

WSR 88-08-066
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 6, 1988]

WSR 88-08-067
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 6, 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 Hoquiam, city of, amending WAC 173-19-2204;

that the agency will at 7:00 p.m., Monday, May 16, 1988, in the Pearsall Building Meeting Room, 2109 Sumner Avenue, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1988.

Dated: April 6, 1988
By: Phillip C. Johnson
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2204, Hoquiam, 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 a revision to the shoreline master program for the city of Hoquiam.

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 as state regulations until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry A. Wenger, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6767.

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: None.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 85-06, filed 4/24/85)

WAC 173-19-2204 HOQUIAM, CITY OF. City of Hoquiam master program approved April 14, 1976. Revisions approved July 29, 1980. Revision approved April 23, 1985. Revision approved July 5, 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 Ocean Shores, city of, amending WAC 173-19-2207;

that the agency will at 7:00 p.m., Monday, May 16, 1988, in the Pearsall Building Meeting Room, 2109 Sumner Avenue, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1988.

Dated: April 6, 1988
By: Phillip C. Johnson
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2207, Ocean Shores, 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 a revision to the shoreline master program for the city of Ocean Shores.

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 as state regulations until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry A. Wenger, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6767.

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: None.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2207 OCEAN SHORES, CITY OF. City of Ocean Shores master program approved August 12, 1974. Revision approved July 5, 1988.

WSR 88-08-068
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 6, 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 Westport, city of, amending WAC 173-19-2208;

that the agency will at 7:00 p.m., Monday, May 16, 1988, in the Pearsall Building Meeting Room, 2109 Sumner Avenue, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1988.

Dated: April 6, 1988

By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2208, Westport, 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 a revision to the shoreline master program for the city of Westport.

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 as state regulations until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry A. Wenger, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6767.

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: None.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 83-24, filed 10/7/83)

WAC 173-19-2208 WESTPORT, CITY OF. City of Westport master program approved November 7, 1974. Revision approved October 6, 1983. Revision approved July 5, 1988.

WSR 88-08-069
ADOPTED RULES
SEATTLE COMMUNITY COLLEGES
 [Order 51, Resolution No. 1988-3—Filed April 6, 1988]

Be it resolved by the board of trustees of Seattle Community College District VI, acting at 6000 16th Avenue S.W., Seattle, WA 98116, that it does adopt the annexed rules relating to student complaints, WAC 132F-120-090.

This action is taken pursuant to Notice No. WSR 88-03-044 filed with the code reviser on January 19, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapter 28B.19 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 1, 1988.

By Art Siegal
 Chairman

AMENDATORY SECTION (Amending Order 42, Resolution No. 1984-1, filed 1/12/84)

WAC 132F-120-090 STUDENT COMPLAINTS. Seattle Community College District shall establish a process whereby students may file a complaint against any member of the college community. Students who feel they have a complaint relating to an action by a member of the college community have the following procedure available:

(1) When a student has a complaint, he/she is encouraged first to consult with the person involved before initiating a complaint.

(2) When the student determines the complaint may be handled more appropriately without the person's involvement, a student may consult with a counselor to assist in determining the appropriate course of action or the student may contact the head of the appropriate division/department or ((its)) the college's designated complaints officer.

(3) When complaints ((filed with)) made to the head of the appropriate division/department have not been resolved, the student may bring the complaint to the complaints officer ((designated by the president)) for further action.

(4) The designated complaints officer shall discuss the concerns outlined by the student and the options available for resolution. Should the student elect to proceed with a formal complaint, the concerns must be outlined in writing, specifying the complaint and identifying dates and persons involved as accurately as possible.

(a) When the written complaint is filed with the designated complaints officer, it shall be forwarded within ((ten instructional)) fifteen calendar days to the appropriate division/department head and other persons

named in the complaint for response, within ~~((ten instructional))~~ fifteen calendar days.

(b) Should the written response not resolve the complaint, then a conference shall be convened by the designated complaints officer among all parties involved, within ~~((ten instructional))~~ fifteen calendar days, for the purpose of achieving a resolution of the complaint.

(c) The designated complaints officer shall keep all written statements, transcripts, and minutes associated with the complaint as part of the confidential files of the campus.

(d) If the conference ~~((resolutions do))~~ does not ((satisfy the complainant)) resolve the complaint, the designated complaints officer shall notify the appropriate dean and forward the complaint for resolution within five calendar days.

(5) The appropriate dean shall review the minutes, transcripts, and other pertinent statements and discuss the complaint with the parties involved. If complaints filed with the dean have not been resolved, the dean shall ~~((then))~~, within fifteen calendar days, issue a written recommendation to the president which offers a resolution to the complaint.

(6) The recommendations of the dean, as well as the written record, shall be reviewed by the president who may amend, modify, reverse or accept the recommendations, and who shall then implement the resolution of the complaint within thirty calendar days, in the absence of an appeal.

~~((Appeals or formal hearings to the board of trustees shall not be provided.))~~ Within fifteen calendar days following receipt of a written decision by the president, the complainant may appeal to the district president, who may upon review of the written record amend, modify, reverse, or concur in the decision. The district president shall, within fifteen calendar days of receiving the appeal, direct the college president to implement the resolution of the complaint. The decision of the district president shall be the final decision of the college district and no appeals of hearings to the board of trustees shall be provided. Any implementation to resolve a student complaint shall be in conformity with any written agreements between the college district and the employee(s) in question.

(8) No complaints requesting a grade review will be considered after two consecutive quarters, not to include summer quarter, from the date of issue for that grade. Student complaints related to grades shall be reviewed as follows:

(a) Students are encouraged to consult with the instructor before initiating a grade review process as outlined in this procedure.

(b) The student shall indicate the grade received in the course together with the reason for the complaint, specifying as accurately as possible all pertinent performance scores and attendance data. This information shall be filed in writing with the designated complaints officer.

(c) When the complaint has been received by the designated complaints officer, it shall be forwarded to the

division/department administrator and the course instructor who reported the grade for the instructor's review and possible adjustment.

(d) The course instructor shall reply in writing, indicating the basis on which the decision was made and include the grade reported for the student, the evaluation criteria for the course, and the performance scores and attendance data achieved by the student in that course. The decision is transmitted to the student through the complaints officer with whom the complaint was initially filed.

(e) Ordinarily, the above process of review should be sufficient, but if the student feels there were extenuating circumstances, a conference may be requested with the division/department administrator, the course instructor and the complaints officer. The conference shall investigate the circumstances of performance in the course and determine appropriate adjustments if warranted.

(f) Since the evaluation of the extent of course mastery is exclusively within the province of the instructor for a particular course, any adjustments or grade changes may be initiated only by that instructor or, under proven extenuating circumstances, by the appropriate dean of instruction, upon approval by the president.

WSR 88-08-070

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 88-58—Filed April 6, 1988]

I, Phillip C. Johnson, deputy director of programs, do promulgate and adopt at Lacey, Washington, the annexed rules relating to chapter 173-160, Minimum standards for construction and maintenance of water wells and chapter 173-162 WAC Rules and regulations governing the regulation and licensing of water well contractors and operators.

This action is taken pursuant to Notice Nos. WSR 87-20-063, 87-21-039, 87-24-071 and 88-04-071 filed with the code reviser on October 5, 1987, October 14, 1987, December 2, 1987, and February 3, 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 chapter 18.104 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 5, 1988.

By Phillip C. Johnson
Deputy Director of Programs

Chapter 173-160 WAC
MINIMUM STANDARDS FOR CONSTRUCTION
AND MAINTENANCE OF ((WATER)) WELLS

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PART ONE - GENERAL REQUIREMENTS

AMENDATORY SECTION (Amending Order 73-6, filed 4/30/73)

WAC 173-160-010 PURPOSE. (1) These regulations are adopted pursuant to chapter 18.104 RCW, in order to establish minimum standards for the construction of all ((water)) wells in the state of Washington. These regulations establish minimum construction standards for two classes of wells; water supply wells and resource protection wells. Water supply wells include wells used to appropriate water for beneficial purposes, cased dewatering wells, and test wells. Resource protection wells include: Monitoring wells, observation wells, piezometers, geotechnical test borings, and spill response wells.

(2) Provisions of Part One shall apply to all wells. Provisions of Part Two shall apply to water supply wells. Provisions of Part Three shall apply to resource protection wells.

(3) The following are excluded from these regulations:

(a) Excavations that are not used to locate, divert, artificially recharge, or withdraw ground water.

(b) Post holes.

(c) Landfill gas extraction wells.

(d) An excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals, products of mining, quarrying, inserting media to repressure oil or natural gas bearing formations, storing petroleum, natural gas, or other products, as provided in chapter 78.52 RCW.

(e) Injection wells, such as stormwater disposal or recharge wells regulated in chapter 173-218 WAC.

(f) Cathodic protection wells.

(g) Uncased wells used for dewatering purposes in construction work, and other uncased excavations, such as uncased geotechnical test borings. However, the provisions of WAC 173-160-055, 173-160-010(4), and 173-160-420 shall apply.

(h) Infiltration galleries, trenches, ponds, pits, and sumps.

(4) Pursuant to chapter 90.48 RCW, those excavations excluded in subsection (3)(a) through (h) of this section shall be constructed and abandoned to ensure

protection of the ground water resource and to prevent the contamination of that resource.

AMENDATORY SECTION (Amending Order 73-6, filed 4/30/73)

WAC 173-160-020 GENERAL. The following ~~((general))~~ minimum standards shall apply to all ~~((water))~~ wells constructed in the state of Washington. ~~((These standards are minimum standards which must be adhered to in the construction of all wells.))~~ It is the responsibility of the water well contractor and the property owner to take whatever measures are necessary to guard against waste and contamination of the ground water resources.

(1) It will be necessary in some cases to construct wells with additional requirements beyond the minimum standards. Additional requirements are necessary when the well is constructed in or adjacent to a source of contamination. Sources of contamination include, but are not limited to, the following: Septic systems, lagoons, landfills, hazardous waste sites, salt water intrusion areas, chemical storage areas, and pipelines.

(2) When strict compliance with these regulations ~~((appears to be))~~ is impractical, the well contractor or driller shall make application to the department for approval of comparable alternative specifications (a variance) prior to the work being done. The department shall authorize or deny a variance request within fourteen days of receipt of a written request. In an emergency, a public health emergency, or in exceptional instances, the department will allow verbal notification to the appropriate regional office, with a written request follow-up.

AMENDATORY SECTION (Amending Order 73-6, filed 4/30/73)

WAC 173-160-030 DEFINITIONS. As used in this chapter:

(1) "Abandoned well" is a ~~((water))~~ well which has been filled or plugged so ~~((that))~~ it is rendered unproductive. A properly abandoned well will not produce water nor serve as a channel for movement of water ~~((from the well or between water-bearing zones)).~~

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which ~~((has))~~ provides access to the inner casing, ~~((which will allow))~~ for measurement of the depth to water surface.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the ((inner)) casing.

(4) "Aquifer" is ~~((any))~~ a geologic formation ~~((that will yield water to a well in sufficient quantity for beneficial use)),~~ group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer ~~((in which the water is confined under pressure so that))~~ bounded above and below by impermeable beds or beds of distinctly lower permeability than the aquifer itself.

The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a ~~((term used to describe))~~ mixture of gravel and/or sand placed in the annular space around the well ~~((casing))~~ screen. A gravel pack is ~~((frequently))~~ used to ~~((prevent))~~ reduce the movement of finer material into the well ~~((casing, to)),~~ increase the ~~((ability of the))~~ well ~~((to))~~ yield ~~((water))~~ and ~~((to tend))~~ provide lateral support to the screen((s)) in unstable formations.

(7) "Artificial recharge" is the ~~((practice of increasing by artificial means the amount of water that enters a ground water basin))~~ addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a ~~((permanent))~~ watertight seal or ~~((locked))~~ cap installed on top of the casing.

~~((9))~~ (10) "Casing" is a pipe, generally of metal or plastic, which is installed in the ~~((well))~~ bore hole to maintain the opening ~~((and to provide protection of the ground waters from waste and contamination)).~~

~~((10))~~ (11) "Curbing" is a liner or pipe made of concrete, precast tile or steel ~~((used))~~ installed in dug wells to provide a space between the well bore and the liner for sealing.

~~((11))~~ (12) "Consolidated formation" means any geologic formation in which the earth materials have become firm and coherent through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. ~~((These deposits))~~ An uncased drill hole will normally ((stand at the edges of a drill hole without caving)) remain open in these formations.

~~((12))~~ (13) "Contamination" is an impairment of natural ground water quality by ~~((organisms))~~ biological, chemical, ~~((organic and radioactive material or by the introduction of heated or cooled water where temperatures are so affected as to))~~ physical, or radiological materials which lower the water quality to a degree which creates a potential hazard to the environment, public health, or interferes with a beneficial use.

~~((13))~~ (14) "Department" means the department of ecology.

~~((14))~~ (15) "Disinfection" is the ~~((introduction))~~ use of chlorine, or other disinfecting agent or process approved by the department, in ~~((a))~~ sufficient concentration and ~~((followed by an adequate))~~ contact time ~~((so as))~~ adequate to inactivate coliform or other indicator organisms.

~~((15))~~ (16) "Domestic water supply" is any water supply ~~((system intended or used for human consumption or other use))~~ serving one or more single family residences.

~~((16))~~ (17) "Drawdown" ~~((in a well means the extent of lowering of the water level when pumping is in progress or when water is discharging from a flowing~~

~~well. Drawdown~~) is the measured difference (~~(, measured in feet,)~~) between the static water level and the water level induced by pumping (level).

~~((17))~~ (18) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary ~~((or)),~~ cable tool, or auger rigs.

~~((18))~~ (19) "Driven well" is a well constructed by joining a "drive point" ~~((with))~~ to a length of pipe, ~~((extended as may be necessary and))~~ then driving the assembly into the ground.

~~((19))~~ (20) "Dug well" is a well ~~((in which the hole is often))~~ generally excavated ~~((by))~~ with hand tools ~~((; and which is usually at a shallower depth and larger diameter than drilled wells))~~ or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

~~((20))~~ (21) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the borehole wall and the well screen to prevent formation material from entering the well.

(22) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(23) "Geotechnical test boring" means any temporary cased borehole completed primarily for the purpose of obtaining geologic, or geotechnical data about subsurface soil or rock conditions, and/or for determining ground water levels.

(24) "Grout" is a ~~((cementing agent, such as portland cement, used for sealing water wells during construction or destruction))~~ fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to fill and seal abandoned wells.

~~((21))~~ (25) "Impermeable" is a descriptive term for ~~((a rock))~~ earth materials which ~~((has))~~ have a texture or structure that does not permit ~~((water))~~ fluids to perceptibly move into or through its pores or interstices.

~~((22))~~ (26) "Licensee" is any person who is licensed as a well contractor pursuant to the provisions of this act and these rules.

(27) "Liner" means any casing, screen, or other device inserted into a larger casing, screen, or open hole as a means of sealing off undesirable material or maintaining the structural integrity of the well.

(28) "Landfill gas extraction well" is a well used to withdraw gas from an unsaturated zone.

(29) "Monitoring well" is a well designed to obtain a representative ground water sample and/or to measure the water level elevation over the screened interval.

(30) "Observation well" is a well designed to measure the depth to the water table. An observation well is screened across the water table and usually is installed in unconfined aquifers.

(31) "Operator" ~~((means))~~ is any person ~~((who is))~~ employed by a ~~((water))~~ well contractor or ~~((who is))~~ self-employed as a contractor-operator for the control and supervision of ~~((the))~~ well construction ~~((of a water well))~~ or for the operation of ~~((water))~~ well construction equipment.

~~((23))~~ "Permeable" is a descriptive term for describing a rock material which has a texture or structure that

~~permits water to move through it. The degree of permeability depends upon the size and shape of the pores or other openings and their interconnections.~~

~~((24))~~ (32) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of 1×10^7 cm/sec or less may be considered impermeable.

(33) "Piezometer well" is a well designed to measure the hydraulic potential (water level elevation) at a specific point in the subsurface. A piezometer has a short screen that is positioned entirely beneath the water table.

(34) "Pressure grouting" is a method of forcing grout ~~((by means of adequate pressure))~~ into specific portions of a well for sealing purposes.

~~((25))~~ (35) "PTFE" means polytetrafluoroethylene casing materials (such as teflon) and is not an endorsement for any specific PTFE product.

(36) "Public water supply" is any ~~((system or))~~ water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, ~~((or is made))~~ available to the public for human consumption or domestic use, ~~((but))~~ excluding water supplies serving one single family residence.

~~((26))~~ (37) "Puddling clay" is a ~~((form of))~~ mixture of at least fifty percent bentonite ~~((in combination with other natural))~~ and fine sand material ~~((s that act naturally to))~~ which seals out or retards the movement of water. ~~((Composition is such that the bentonite fraction is 50% with the remaining portion not exceeding the size of coarse sand.~~

~~((27))~~ (38) "PVC" means polyvinyl chloride a type of thermoplastic casing.

(39) "Resource protection wells" mean monitoring wells, observation wells, piezometers and spill response wells, and cased geotechnical test borings.

(40) "Spill response well" is any well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(41) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when ~~((no))~~ the water level is ~~((being taken from the aquifer either))~~ not effected by pumping or ~~((by))~~ free flow.

~~((28))~~ (42) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the permanent casing) which is temporarily installed during well construction to maintain the annular space.

(43) "Test well" is ~~((an exploratory hole,))~~ a well ~~((either cased or uncased,))~~ ~~((usually of small diameter))~~ constructed ~~((for the purpose of locating depth to water in each aquifer, determining the quality and))~~ to determine the quantity of water ~~((;))~~ available for beneficial uses identifying underlying rock formations (lithology), and ~~((locating of))~~ to locate optimum ~~((sections))~~ zones to be screened or perforated.

~~((29))~~ If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells.

(44) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(45) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly indurated earth material(s) including such materials as uncompacted gravel, sand, silt and (gravel) clay. Alluvium, soil, and overburden are terms frequently used to describe such formations.

~~((30))~~ (46) "Water supply well" means any well that is used to withdraw, dewater, or recharge ground water.

(47) "~~(Water)~~ Well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of ~~(the well)~~ an excavation is for the location, diversion, artificial recharge, or withdrawal of ground water. ~~("Water well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to repressure oil or natural gas-bearing formations, or for storing petroleum, natural gas or other products)~~ Well includes water-supply well and resource protection well. Well does not mean excavations excluded in WAC 173-160-010(3).

~~((31))~~ (48) "Well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing wells.

(49) "Well driller" is synonymous with "operator."

~~((32))~~ (50) "Well rig" is any power driven, percussion, rotary, boring, digging, jetting or auguring machine used in the construction of a ~~(water)~~ well.

AMENDATORY SECTION (Amending Order 73-6, filed 4/30/73)

WAC 173-160-040 PERMIT. As provided in RCW 90.44.050, no well(s) shall be constructed if a withdrawal of more than ~~(5,000)~~ five thousand gallons a day or irrigation of more than one-half acre of non-commercial lawn and garden is contemplated, unless an application to appropriate such waters has been made to the department and a permit has been granted.

AMENDATORY SECTION (Amending Order 73-6, filed 4/30/73)

WAC 173-160-050 RECORDS. (1) Every ~~(water)~~ well contractor, within ~~((30))~~ thirty days after completion of a well, is required to submit a complete record on the construction or alteration of the well to the department. This shall apply to all water supply and resource protection wells~~(, regardless of size or ownership)~~. The well record shall be made on a form provided by the department, or a reasonable facsimile, as approved by the department.

(2) The water supply and test well record shall ~~(be made on a form provided by the department and)~~ include the following information, where applicable, as a minimum: Location of well ~~((by))~~ to at least 1/4, 1/4 section or smallest legal subdivision; intended use of well; the depth, diameter, and general specifications of each well; the depth, thickness ~~((in-feet))~~ and character of each bed, stratum or formation penetrated by each well; ~~((the length and position in feet below land surface))~~ and the commercial specifications of all casing, also of each screen or perforated zone in the casing; the tested capacity of each well in gallons per minute; for each nonflowing well, the depth to the static water level, as measured ~~((in-feet))~~ below the land surface, and also the drawdown of the water level ~~((in-feet))~~ at the end of the well capacity test; for each flowing well, the shut-in pressure measured ~~((in-feet))~~ above the land surface, or in pounds per square inch at the land surface, and such additional factual information as reasonably may be required by the department.

(3) The well record shall be made on a form provided by the department, or a reasonable facsimile, as approved by the department. The resource protection well record shall include the following information as a minimum: Project name, if appropriate; location of well to at least 1/4, 1/4 section or smallest legal subdivision; land surface datum; well identification number; diameter; depth, and general specifications of each well; the depth thickness and character of each bed, stratum or formation penetrated by each well; and commercial specifications of all casing and screen; as-built diagram; and additional information as required by the department.

NEW SECTION

WAC 173-160-055 WELL CONSTRUCTION NOTIFICATION (START CARD). All well contractors shall notify the department of their intent to construct, reconstruct, or abandon a well at least seventy-two hours before starting work.

Notification shall be submitted on forms provided by the department and shall contain the well owners name, well location, proposed use, approximate start and completion dates, contractor's registration number, driller's name and license number, and drilling company's name. In an emergency, a public health emergency, or in exceptional instances, the department will allow verbal notification to the appropriate regional office, with a start card follow-up.

NEW SECTION

WAC 173-160-065 DESIGN AND CONSTRUCTION. Every well shall be planned and constructed so that it is:

(1) Adapted to the geologic and ground water conditions existing at the well site to insure full utilization of every natural protection afforded thereby.

(2) Designed to facilitate such supplementary construction as may be required to provide a sufficient and safe water supply where obtainable and to conserve ground water.

(3) Capable of yielding, where obtainable, the quantity of water necessary to satisfy the requirements which the user has stated are needed and for which well water is intended to be used.

NEW SECTION

WAC 173-160-075 DESIGN AND CONSTRUCTION—SEALING OF CASING—GENERAL. In constructing, developing, redeveloping or conditioning a well, care shall be taken to preserve the natural barriers to ground water movement between aquifers and to seal aquifers or strata penetrated during drilling operations which might impair water quality or result in cascading water. All sealing should be permanent and shall prevent movement of surface, or ground water into the annular space. Sealing shall prevent the upward movement of artesian waters within the annular space around the well casing, to prevent the contamination or wasting of ground water. Sealing shall prevent the movement of ground water either upward or downward from zones that were cased off because of poor quality. When cement grout is used in sealing, it shall be set in place seventy-two hours before additional drilling takes place, unless special additives are mixed with the grout that cause it to set in a shorter period of time. All grouting shall be performed by tremming the mixture from the bottom of the annular space to the surface in one continuous operation. The annular space to be grouted shall be a minimum four inches larger than the permanent casing.

When casing diameter is reduced, a minimum of eight feet of casing overlap is required and the bottom of the annular space between the casings shall be sealed with a watertight packer; the remainder of the annular space must be pressure grouted with bentonite or neat cement.

NEW SECTION

WAC 173-160-085 CAPPING. All wells which are not in use, or are temporarily out of service, shall be securely capped such that no contamination can enter the well. Capping shall be affixed by solid welds or equal seal to prevent unauthorized access to the well.

NEW SECTION

WAC 173-160-095 RELATIONSHIP TO OTHER AUTHORITIES. Nothing in these regulations shall be construed to waive any legal requirements of other state agencies or local governmental entities relating to well construction nor shall it preclude the adoption of more stringent minimum well construction standards by local government.

NEW SECTION

WAC 173-160-105 COMPARABLE CONSTRUCTION STANDARDS. Nothing in these regulations shall be construed to limit the department's authority to approve comparable alternative specifications for well construction as technology in the industry develops and/or new and comparable methods of construction become known to the department.

NEW SECTION

WAC 173-160-115 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190, civil penalties under RCW 90.03.600 and 18.104.155, and criminal penalties under RCW 18.104.160.

NEW SECTION

WAC 173-160-125 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-160-135 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

PART TWO – WATER SUPPLY WELLS

NEW SECTION

WAC 173-160-205 LOCATION OF WELL SITE AND ACCESS REQUIREMENTS. The proposed water supply well should be located on high ground consistent with the general terrain. It shall be protected from a one hundred year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply. The well shall be located away from possible sources of contamination. Well design shall consider porosity and permeability of the soil, adjacent land uses, local ground water conditions and end use of the well. When a well is located in an area of known or suspected contamination, the well casing shall be impervious to the contaminants and shall not interconnect aquifers.

When a well is constructed adjacent to a building, it shall be located where the centerline of the well extended vertically will clear any projection from the building by at least five feet.

After construction, the water well contractor or operator should strongly emphasize to the well owner, the importance of retaining good accessibility to the well to permit future inspection and maintenance.

(1) Public water supply wells. Before construction begins, site approval must be obtained from the department of social and health services, or the local health authority. The requirements of the state board of health regulation regarding public water supplies (chapter 248-54 WAC) shall apply. This regulation includes requirements for zones of protection, location of the well, accessibility features, and certain construction requirements.

(2) Individual domestic, irrigation, industrial and other wells. Wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local and state health regulations. Wells shall be located at least one hundred feet from a sewer line, sewage or manure lagoon, pipeline, or known, or suspected source of contamination. Wells shall not be located within one thousand feet of solid waste landfills.

NEW SECTION

WAC 173-160-215 DESIGN AND CONSTRUCTION—WELL COMPLETION—GENERAL. The well may be completed with screens, perforated liners or pipe, or open bottom; these shall be of sufficient strength to withstand the forces to which they are subjected during and after construction. It is the well drillers or designers responsibility to advise the owner or his representative of the most appropriate method of completion. Wells shall be completed in a manner which prevents the production of inordinate amounts of sand or turbid water.

(1) Standard open bottom completion. Open bottom completion is appropriate only where the withdrawn waters are essentially free of sand, silt and turbidity.

(2) Perforated pipe completion. Perforated pipe completion is suitable only for a coarse-grained, permeable aquifer where the withdrawn waters are free of excessive sand, silt or turbidity.

Perforations above the static water level are not permitted. Wells may be completed with perforations as follows:

(a) In-place perforations with Star, Mills knife, or similar type perforators.

(b) Perforated pipe liners, either sawcut, torch-cut, mill-slotted, or punched. Such liners may be of steel, plastic or other suitable corrosion-resistant material, but if other than steel, a full evaluation of the structural stability of the liner must be made prior to its placement. They may be used in a natural development or gravel-packed type construction. The use of perforated casing for working casing as the hole is being drilled is prohibited, except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the perforated casing in all respects for the specific well being constructed.

(3) Well screens. Well screens (and well points) shall be constructed of one type of corrosion-resistant material. A neoprene, or lead packer or grout seal shall be fitted to the top of the well screen assembly. The bottom of the well screen shall be plugged or capped.

(4) Alignment. A completed well must be so constructed that the drill hole and/or installed casing does not deviate from an alignment that would allow a twenty foot dummy section of pipe of no more than one diameter size smaller than the casing liner or drilled hole to be inserted to the bottom of the well without binding. Minimum specifications for casing sizes for various ranges in well yield or pumping rate are shown under WAC 173-160-235.

NEW SECTION

WAC 173-160-225 DESIGN AND CONSTRUCTION—CASING. Proper casing shall be installed in all water supply wells. The casing shall withstand the normal forces which act upon it during and after installation. It shall be resistant to the corrosive effects of enclosing rocks, earth and water. Unless prior approval is obtained from the department, materials for well casings shall be as specified hereunder:

(1) Minimum specifications for steel casing and pipe for driven wells are contained in Table 1:

TABLE 1
Minimum Specifications for Steel Casing and Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)
1 1/4	1.660	0.140	2.27
1 1/2	1.900	0.145	2.72
2	2.375	0.154	3.65
2 1/2	2.875	0.203	5.79
3	3.500	0.216	7.58
3 1/2	4.000	0.226	9.11
4	4.500	0.237	10.79
5	5.563	0.258	14.62
6	6.625	0.250	17.02
8	8.625	0.250	22.36
10	10.750	0.250	28.04
12	12.750	0.250	33.38
14	14.000	0.312	45.61
16	16.000	0.344	62.85
18	18.000	0.375	70.59
20	20.000	0.375	78.60

Casing larger than twenty inches shall have a minimum wall thickness of 0.375 inches.

Casings shall be new or, in like-new condition, where the only previous contact was with water, and be structurally sound. When casing lengths are joined together, they shall be connected by watertight welded or screw coupled joints. Welded joints shall be at least as thick as the wall thickness of the well casing and be fully penetrating.

(2) Plastic casing. Plastic, fiberglass, PVC, SR, ABS, or other type of well casing shall be manufactured and installed to conform with ANSI/ASTM F 480-81, Standard Dimension Ratio (SDR) 21 or the most recent revision.

SDR 21 is the minimum requirement; higher pressure rated pipe may be used. All plastic casing shall be installed only in an oversized drill hole without driving.

Plastic casing for use in potable water supplies shall be manufactured to conform to be acceptable to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

(3) Plastic casing joints shall be watertight. Either "bell" type, threaded joints, or coupling hubs are approved. Hub couplings shall be of material meeting the specifications for plastic casings as stipulated in subsection (2) of this section. If joints are secured with solvent cement it shall be done in accordance with manufacturers directions. Table 2A is the manufacturer's recommendations for specifications of plastic casing.

TABLE 2A
Minimum Specifications for Plastic Casing

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2	0.133	21
2.5	0.137	21
3	0.167	21
3.5	0.190	21
4	0.214	21
4.5	0.236	21
5	0.265	21
6	0.316	21
8	0.410	21
10	0.511	21
12	0.606	21

(4) Liner pipe shall consist of steel, in new or like-new condition, being free of pits or breaks; or polyvinyl chloride (PVC), SR, ABS, type 1220, 1120, or SDR 21 (Class 200).

Liner pipe shall be of sufficient strength to withstand breakage or collapse when the well is pumped. When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe. Liner pipe shall not be permanently fixed to a well casing below land surface except by placement of cement grout, packers, or similar sealing materials in the annular space between the liner and well casing.

(5) Poured concrete casing shall:

(a) Consist of clean, hard and durable aggregate with not less than five sacks of portland cement per cubic yard of concrete. The maximum diameter of aggregate particles shall not exceed 1 1/2 inches, but in any case shall not exceed 1/5 the minimum width of the casing thickness. The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) shall be approximately 1 1/2 to 1 by volume, but in any case, shall not exceed 2 to 1 nor be less than 1 to 2.

(b) Be at least six inches thick and free of voids. The walls shall be poured in one continuous operation.

NEW SECTION

WAC 173-160-235 RECOMMENDED WELL DIAMETERS.

TABLE 3
Well Diameters

Anticipated Well Yield, in gpm	Nominal Size of Pump Bowls, in inches	Optimum Size of Well Casing, in inches	Smallest Size of Well Casing, in inches
Less than 100	4	6 ID	5 ID
75 to 175	5	8 ID	6 ID
150 to 350	6	10 ID	8 ID
300 to 700	8	12 ID	10 ID
500 to 1000	10	14 OD	12 ID
800 to 1800	12	16 OD	14 OD
1200 to 3000	14	20 OD	16 OD
2000 to 3800	16	24 OD	20 OD
3000 to 6000	20	30 OD	24 OD

NEW SECTION

WAC 173-160-245 DESIGN AND CONSTRUCTION—SEALING MATERIALS. (1) Puddling clay shall consist of any stable, fine-grained (0.5 mm - 1 mm), impervious material and at least fifty percent bentonite, by volume, which is capable of providing a permanent water tight seal between the casing and formation throughout the required sealing depth.

(2) Cement grout (neat cement) shall consist of either portland cement or quick setting cement mixed with not more than six gallons of water per sack of cement. Up to five percent bentonite clay, by weight, may be added to improve flow qualities and compensate for shrinkage. When bentonite slurry is used to seal a well, it shall conform to the requirements of subsection (4) of this section.

(3) Pelletized, granulated, or chip bentonite may be used where bridging will not occur.

(4) Bentonites used to prepare puddling clay, or slurries for sealing shall be specifically designed for this purpose.

NEW SECTION

WAC 173-160-255 DESIGN AND CONSTRUCTION—SEALING OF CONSOLIDATED FORMATIONS. In drilled wells that penetrate an aquifer either within or overlain by a consolidated formation, sealing of the casing shall conform with one of the following procedures.

(1) An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface to at least five feet into sound, unfractured, consolidated formation.

Unperforated permanent casing shall be installed to extend to this same depth and the lower part of the casing shall be sealed into the consolidated formation with cement grout. The remainder of the annular space to land surface shall be filled with cement grout, puddling clay, or bentonite. See Figure 1A.

If cement grout is placed by pumping to seal the entire annulus from the bottom up to land surface, the upper drill hole need only be a minimum of two inches larger than the outside diameter of the permanent casing.

(2) An upper drill hole at least four inches greater in diameter than the nominal size of the permanent casing shall extend from land surface to a depth of at least eighteen feet. An unperforated permanent casing shall be installed so that it extends at least five feet into sound, unfractured, consolidated formation.

Throughout the driving of the well casing to the consolidated formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one-half full with granular bentonite, or bentonite slurry.

The annular space between the consolidated formation and the permanent casing shall be tightly sealed with cement grout. The remainder of the annular space to land surface shall then be filled with cement grout, puddling clay, or bentonite. See Figure 1B.

(3) If temporary surface casing is used in either of the procedures in subsection (1) or (2) of this section, this casing shall be of sufficient diameter to conform to the upper drill hole specifications. Withdrawal of the temporary casing shall take place simultaneously with proper sealing of the annular space to land surface.

NEW SECTION

WAC 173-160-265 SEALING OF UNCONSOLIDATED FORMATIONS WITHOUT SIGNIFICANT CLAY BEDS. In drilled wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant (at least six feet thick) clay beds, an unperforated well casing shall extend to at least one foot below the water table. An upper drill hole having a diameter at least four inches greater than the nominal size of the permanent casing shall be installed to at least eighteen feet below land surface.

The annular space between the upper drill hole and the well casing shall be kept at least one-half full with granular bentonite or bentonite slurry throughout the driving of the permanent casing into the aquifer. After the permanent casing is set in its final position, the remaining annular space shall be filled to land surface with cement grout, puddling clay, or bentonite. See Figure 2A.

If temporary surface casing is installed to the same depth as the permanent casing, a watertight packer shall be installed between the permanent casing and the drill hole at a position directly above the production aquifer. The remaining annular space shall be completely filled and sealed to land surface with cement grout, puddling clay, or bentonite as the temporary surface casing is withdrawn. See Figure 2B.

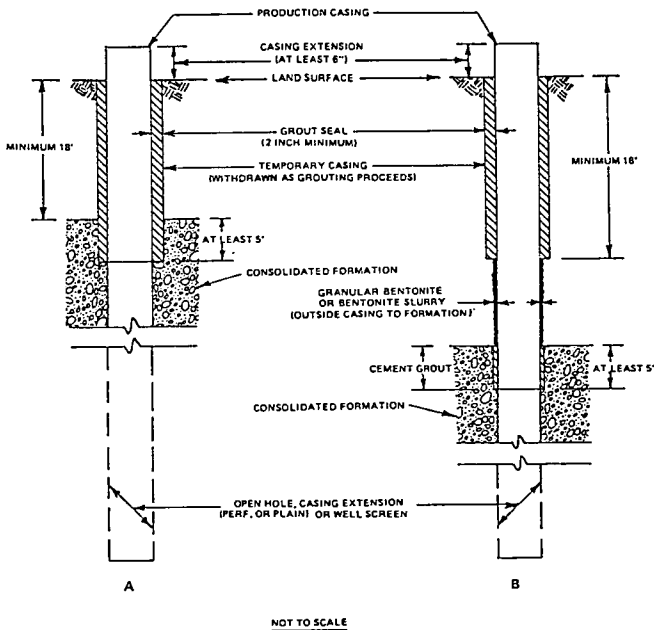


Figure 1. SEALING OF CONSOLIDATED FORMATIONS

NEW SECTION

WAC 173-160-275 SEALING OF UNCONSOLIDATED FORMATIONS WITH CLAY BEDS. In drilled wells that penetrate an aquifer overlain by clay or other unconsolidated deposits such as sand and gravel in which significant (at least six feet thick) interbeds of clay are present, the well casing may be terminated in such clay strata, provided that the casing be sealed in substantially the same manner as is required in the case of consolidated formations (see WAC 173-160-255 and Figure 2C at the end of this chapter).

NEW SECTION

WAC 173-160-285 SPECIAL SEALING STANDARDS FOR ARTESIAN WELLS. When artesian water is encountered in the well, an unperforated well casing shall extend into the confining stratum overlying the artesian zone. The casing shall be sealed into the confining stratum to prevent surface and subsurface leakage from the artesian zone. If the well flows at land surface, it shall be equipped with a control valve so flow can be completely stopped. The well shall be completed with seals, packers or grout that eliminates leakage around the well casing. The driller shall not move the drilling rig from the well site until leakage is completely stopped unless authority for temporary removal is granted by the department, or when loss of life or property is imminent.

NEW SECTION

WAC 173-160-295 ARTIFICIAL GRAVEL-PACKED WELLS—GENERAL. In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation does not occur. The gravel pack shall be clean, and chemically stable. All gravel and water used shall be disinfected in at least fifty parts per million (ppm) chlorine with a contact time of at least thirty minutes. Rinse water containing chlorine is a pollutant. Chlorine in the rinse water shall be allowed to dissipate and discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

NEW SECTION

WAC 173-160-305 SEALING OF ARTIFICIAL GRAVEL-PACKED WELLS. (1) Permanent surface casing not installed. An upper drill hole having a diameter of at least four inches greater than the outside diameter of the production casing shall be drilled to extend from land surface into a clay or other formation of low permeability overlying the water-bearing zone. If the upper drill hole will not remain open throughout construction of the well, a temporary surface casing must be installed to this depth to maintain the annular space. The annular space to this depth shall be filled with cement grout, puddling clay, or bentonite. If the clay or other impermeable formation is at or near land surface, the upper drill hole and unperforated production casing shall extend to a minimum depth of eighteen feet below land surface, provided that the casing does not pass

through the impermeable zone. A watertight packer shall be installed in the annular space between the gravel pack and cement grout seal. A gravel fill pipe may be installed for injecting gravel prior to sealing the top of the gravel pack. Special care shall be taken to insure the seal is watertight around the fill pipe. The fill pipe shall be capped with a watertight seal or plug. See Figure 3A.

(2) Permanent surface casing installed. When permanent surface casing is installed, the well bore shall have a diameter at least four inches greater than the surface casing for the introduction of sealing materials. A watertight seal shall be installed at the top of the gravel pack between the permanent surface and production casing. Sealing procedures and installation of gravel fill pipes are substantially the same as in subsection (1) of this section. If the upper drill hole will not remain open throughout construction of the well, a temporary casing must be used to maintain the oversized drill hole. The annular space to be sealed under conditions of subsections (1) and (2) of this section shall be kept full with cement grout, puddling clay, or bentonite as the temporary casing is withdrawn. See Figure 3B.

(3) If a clay layer or other formation of low permeability is not encountered before reaching the top of the water-bearing zone, the upper drill hole and unperforated production casing shall extend to a minimum depth of eighteen feet below land surface. Sealing procedures, installation of gravel fill pipes and temporary casing are substantially the same as in subsections (1) and (2) of this section.

concrete tile, steel pipe or liner to a depth of at least eighteen feet or within three feet of the bottom in wells that are less than twenty-one feet in depth.

(1) In all dug wells, other than a buried slab type, concrete at least six inches thick shall be used as sealing material. If wooden cribbing is used as a retaining wall to provide for a concrete surface curbing, the cribbing shall be removed from the hole after the concrete has set.

(2) In buried slab type well construction, a steel casing shall extend at least six inches beyond the slab into the lower well hole; the buried slab shall be sealed with cement grout and the remaining annular space to land surface shall be filled with bentonite or puddled clay. See Figure 4.

NEW SECTION

WAC 173-160-325 SPECIAL STANDARDS FOR DRIVEN OR JETTED WELLS. In all driven point wells, the casing shall extend at least five feet below the anticipated pumping level. An upper hole at least four inches greater in diameter than the permanent casing shall extend a minimum of six feet below land surface. The annular space between the upper oversized drill hole and the permanent casing shall be kept at least one-half full with bentonite slurry throughout all driving of the pipe. The remaining annular space to land surface shall be filled with cement grout, puddling clay, or bentonite. See Figure 5.

NEW SECTION

WAC 173-160-335 UPPER TERMINAL OF WELL. The watertight casing or curbing of any well shall extend at least six inches above the ground surface. In the case of public water supplies where the site is not subject to flooding, the pumphouse floor must be at least one foot above land surface, with a minimum of six inches of casing projecting above the floor; where the site is subject to flooding, the pumphouse floor must be at least two feet above the estimated water level of a one hundred-year frequency flood. Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least one foot above the pumphouse floor or cover installed above ground surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants. A pitless adaptor, or similar device is permitted on domestic wells if made with approved fittings or accepted welding procedures. The connection must be above static water level. The pump location must not be subject to flooding.

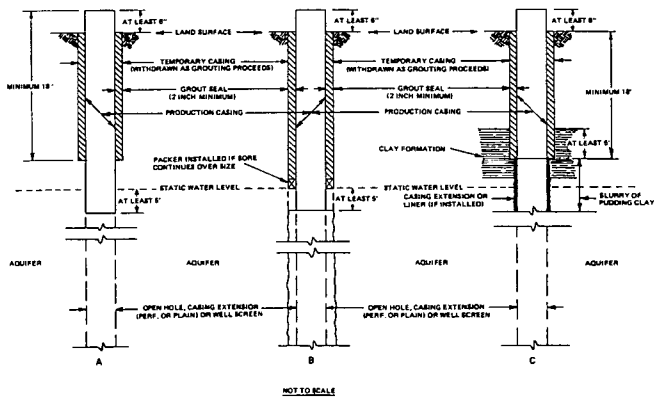


Figure 2. SEALING OF UNCONSOLIDATED FORMATIONS

NEW SECTION

WAC 173-160-315 SEALING OF DUG WELLS. The surface curbing of all dug wells shall be constructed to effectively seal the annular space between the undisturbed native material of the upper well hole and the

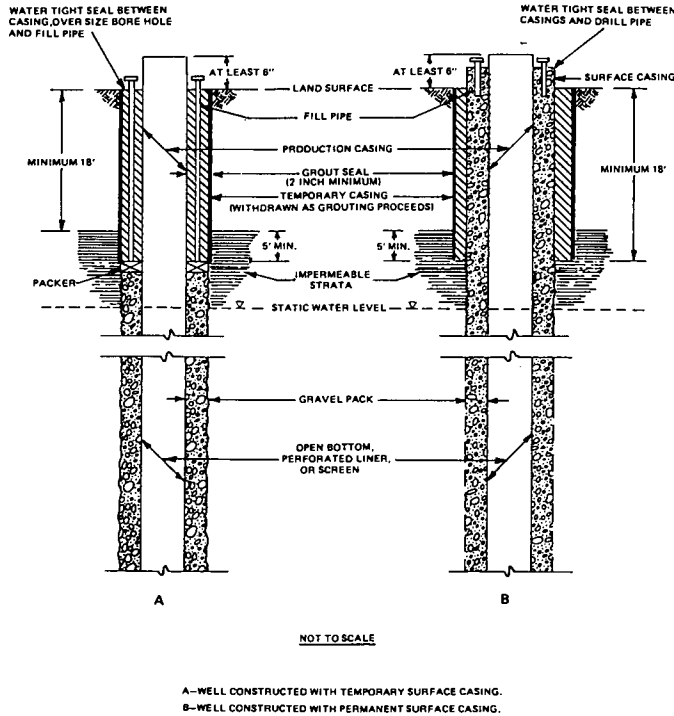


Figure 3. SEALING OF GRAVEL-PACKED WELLS

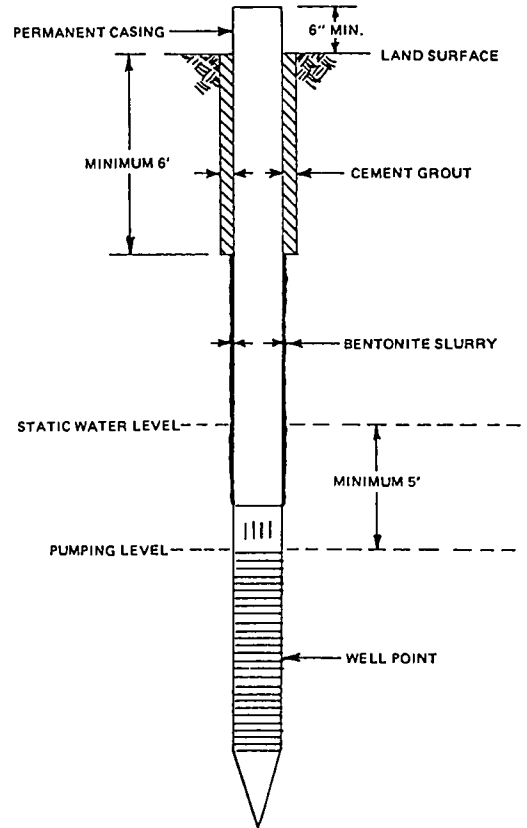


Figure 5. SEALING OF DRIVEN AND JETTED WELLS

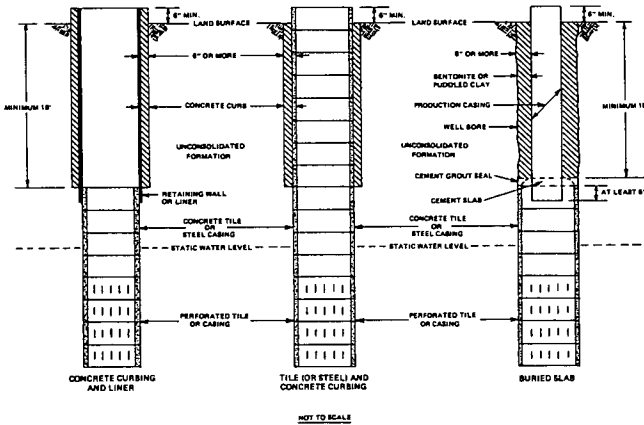


Figure 4. SEALING OF DUG WELLS

NEW SECTION

WAC 173-160-345 TESTING OF WELL. (1) Well authorized by appropriation permit. Before being put to use, each well shall be pump tested for yield and drawdown and reports submitted as required in chapter 90.44 RCW. The well shall be test pumped at rates equal to or greater than are expected from the well during its normal usage. For public water supply wells, the test pump shall be operated continuously for a minimum of four hours, or longer if required by the department of social and health services. The yield and drawdown shall be determined following at least two hours of stabilized water level observation. Periodic water level observation should be made during drawdown and subsequent recovery periods. Periods of observation shall be more frequent during the onset of drawdown and may decrease in frequency as drawdown or recovery proceeds toward stabilization. A bailer test is not an acceptable substitute for testing wells under permit.

(2) Wells not requiring appropriation permit. Testing of a well not requiring an appropriation permit shall be conducted for a period of at least one hour either by bailer, air lift, or with a pump.

(3) Test data must be reported to the department in the water well report.

NEW SECTION

WAC 173-160-355 TESTING OF WELL—ACCESS PORT OR PRESSURE GAGE. All wells shall be equipped with an access port that allows for the measurement of the depth to water surface or a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. The access ports and pressure gages or other openings in the cover shall be sealed or capped to prevent entrance of surface water or foreign material into the well.

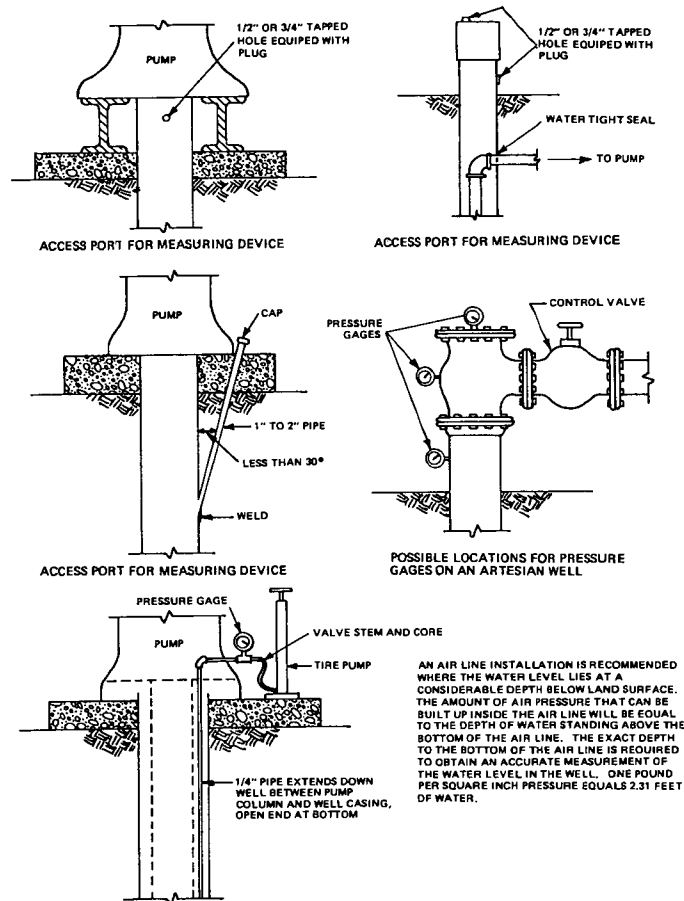


Figure 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

NEW SECTION

WAC 173-160-365 DISINFECTION. (1) All tools and drilling equipment shall be thoroughly disinfected with a chlorine compound prior to beginning well construction.

(2) Every new or reconditioned well, after completion of construction or repair, and before being placed in service, shall be cleared of all foreign materials.

(3) The well casing shall be swabbed and cleaned to remove oil, grease or joint dope.

(4) All pumping equipment, sand or gravel used in gravel-packed wells and the well casing shall be thoroughly sluiced with clean water and disinfected with a

solution containing at least fifty ppm of chlorine for at least thirty minutes.

(5) Prior to use for drinking purposes, sufficient disinfectant (chlorine compound) shall be added to the standing water in the well to give a residual of fifty ppm free chlorine. The disinfectant should then be thoroughly mixed with the water in the well and shall remain in the well for a period of at least twenty-four hours, after which there shall remain a minimum of ten ppm free chlorine residual. The well shall then be flushed to remove all traces of chlorine. If testing indicates a presence of coliform bacteria, more stringent disinfection methods may be required by the department of social and health services or local health authority.

(6) Chlorine is a pollutant. Allow the chlorine in the rinse to dissipate before discharging the water to surface water. This water shall be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

NEW SECTION

WAC 173-160-375 QUALITY OF DRILLING WATER. All water introduced into a well for drilling purposes shall be obtained from a potable water source or be thoroughly disinfected to assure noncontamination of the water-bearing zone.

NEW SECTION

WAC 173-160-385 PUMP INSTALLATION. All pumps and pumping equipment shall be installed in a manner consistent with the intent and purposes of these regulations.

NEW SECTION

WAC 173-160-395 EXPLOSIVES. The use of explosives in the construction, development or reconditioning of any water well shall be accomplished under the direct supervision of an individual licensed under chapter 70.74 RCW.

NEW SECTION

WAC 173-160-405 CHEMICAL CONDITIONING. The use of detergents, chlorine, acids or other chemicals in wells for the purpose of increasing or restoring yield, may be used according to manufacturer's recommendations.

NEW SECTION

WAC 173-160-415 ABANDONMENT OF WELLS. General. (1) Any well which is unusable, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be abandoned. The abandonment procedure (as prescribed by these regulations) must be recorded and reported as required by the department.

(2) Wells that were not constructed in accordance with these regulations, or wells which are abandoned to

allow the placement of potential sources of contamination within one hundred feet of the well, shall be abandoned in one of two ways:

(a) The casing shall be perforated from the bottom to within five feet of the land surface and pressure grouted. Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(b) Withdraw the casing and fill the bore hole with grout, puddled clay, or bentonite as the casing is being withdrawn.

(3) Piping of sealing materials directly to the point of application or placement by means of a dump bailer or tremie tube is recommended. If cement grout, neat cement, or puddled clay is used as a sealing material below the static-water level in the well, it should be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place grout, the discharge end of the tremie tube shall be submerged in the grout to avoid breaking the seal while filling the annular space.

(4) If it can be verified that a water supply well was constructed in accordance with these regulations, and it is not being abandoned to allow siting of potential sources of contamination within one hundred feet of the well, it shall be abandoned in accordance with WAC 173-160-420 through 173-160-465, whichever applies.

NEW SECTION

WAC 173-160-420 ABANDONMENT OF UNCASSED WELLS. Uncased wells shall be backfilled with concrete, grout, puddled clay, or high-solids bentonite.

NEW SECTION

WAC 173-160-425 ABANDONMENT OF WELLS—ABANDONMENT OF DRILLED OR JETTED WELLS. A cement grout or concrete plug shall be placed opposite all perforations or openings in the well casing. The remainder of the well shall be filled with cement grout, concrete, puddled clay, or bentonite.

NEW SECTION

WAC 173-160-435 ABANDONMENT OF WELLS—ABANDONMENT OF GRAVEL-PACKED WELLS. All gravel-packed wells shall be pressure-grouted throughout the perforated section of the well casing. The remainder of the well shall be filled with cement grout, concrete, puddled clay, or bentonite.

NEW SECTION

WAC 173-160-445 ABANDONMENT OF WELLS—ABANDONMENT OF ARTESIAN WELLS. A cement grout or concrete plug shall be placed in the confining stratum overlying the artesian zone to prevent subsurface leakage from the artesian zone. The remainder of the well shall be filled with cement grout, concrete, or bentonite.

NEW SECTION

WAC 173-160-455 ABANDONMENT OF WELLS—ABANDONMENT OF DUG WELLS. Clean chlorinated sand shall be installed to a point two feet above static water level. The remainder of the well to land surface shall be filled with clay, concrete, puddled clay, or bentonite.

NEW SECTION

WAC 173-160-465 ABANDONMENT OF WELLS—PLUGGING OF TEST WELLS. In the abandonment of cased wells in which the well casing is to be removed, the well shall be plugged as the casing is withdrawn. Test wells shall be abandoned in accordance with WAC 173-160-420.

NEW SECTION

WAC 173-160-475 ARTIFICIAL RECHARGE OF GROUND-WATER BODIES. Approval must be obtained from the department before starting any project related to the artificial recharge of ground-water bodies.

PART THREE – RESOURCE PROTECTION WELLS

NEW SECTION

WAC 173-160-500 DESIGN AND CONSTRUCTION—GENERAL. (1) No resource protection well shall be used for domestic, industrial, commercial, or agricultural purposes, unless it meets the minimum construction standards for water supply wells.

(2) No resource protection well shall interconnect saturated formations or aquifers.

(3) Cuttings and development water shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Management Act, chapter 70.105 RCW, and implementing regulations (chapter 173-303 WAC).

(4) A well identification number shall be permanently attached or engraved on the inner and outer well casings.

NEW SECTION

WAC 173-160-510 DESIGN AND CONSTRUCTION—SURFACE PROTECTIVE MEASURES. (1) Every resource protection well shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, a lockable cap shall be attached to the top of the casing.

(b) If the well is not cased with metal and completed above the ground surface, a metal protective casing shall be installed around the well. The protective casing shall extend at least six inches above the top of the well casing and at least two feet into the ground. A lockable cap shall be attached to the top of the protective casing.

(c) If the well is completed below ground surface, a lockable "water-meter cover," or equivalent, shall be installed around the well. A protective cover, level with the ground surface, shall be installed with a waterproof seal to prevent the inflow of surface water. Drains shall be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loadings.

(2) The well(s), completed above ground, shall be protected from damage by one of the following methods:

(a) Three metal posts at least three inches in diameter, and set in concrete, shall be installed in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the ground surface.

(b) A reinforced concrete pad may be installed to prevent freeze/thaw cracking of the surface seal. When a concrete pad is used, the well seal shall be part of the concrete pad.

(c) A protective cover shall be installed when the well is completed below the ground surface. The cover must be designed to withstand the maximum expected loadings.

(3) The protective measures may be waived, if the well is inspected at least weekly and is located in a secure area that is not susceptible to vandalism or to damage.

(4) If the well is to be protected by other surface protection methods, the owner shall obtain prior written approval from the department.

(5) If the well is damaged, the well protection measures and casing shall be restored as prescribed by this chapter. If the well is damaged beyond repair, it shall be properly plugged and abandoned in accordance with WAC 173-160-560.

NEW SECTION

WAC 173-160-520 DESIGN AND CONSTRUCTION—CASING. The casing shall be nonreactive with the subsurface environment. The casing shall not effect or interfere with the chemical, physical, radiological, or biological constituents of interest. All resource protection well casing shall conform to ASTM Standards, or at least 304 or 316 stainless steel, PTFE, or Schedule 40 PVC casing. Glued casing joints shall not be used in areas of known or potential contamination.

NEW SECTION

WAC 173-160-530 DESIGN AND CONSTRUCTION—CLEANING. (1) When drilling in known or potential areas of contamination, the drill rig derrick and all drilling equipment shall be steam cleaned before and after well construction.

(2) The casing and screen(s) shall be steam cleaned and rinsed before installation, and stored off the ground on secure clean racks.

(3) The filter pack shall be washed with clean water before installation and shall not interfere with the chemical, physical, radiological, or biological constituents of interest.

NEW SECTION

WAC 173-160-540 DESIGN AND CONSTRUCTION—WELL SCREEN, FILTER PACK, AND DEVELOPMENT. (See Figure 7 at the end of this section.) (1) Wells installed for water quality sampling shall include the following:

(a) Commercially fabricated screen. The well screen shall be constructed of material that is nonreactive to subsurface conditions.

(b) Filter pack. A filter pack is preferred, but not required in coarse or granular formations. When used, it shall be installed from the bottom of the screen to at least three feet above the top of the screen.

(2) Well development. The well shall be developed to assure continuity between the well, well screen, and formation materials.

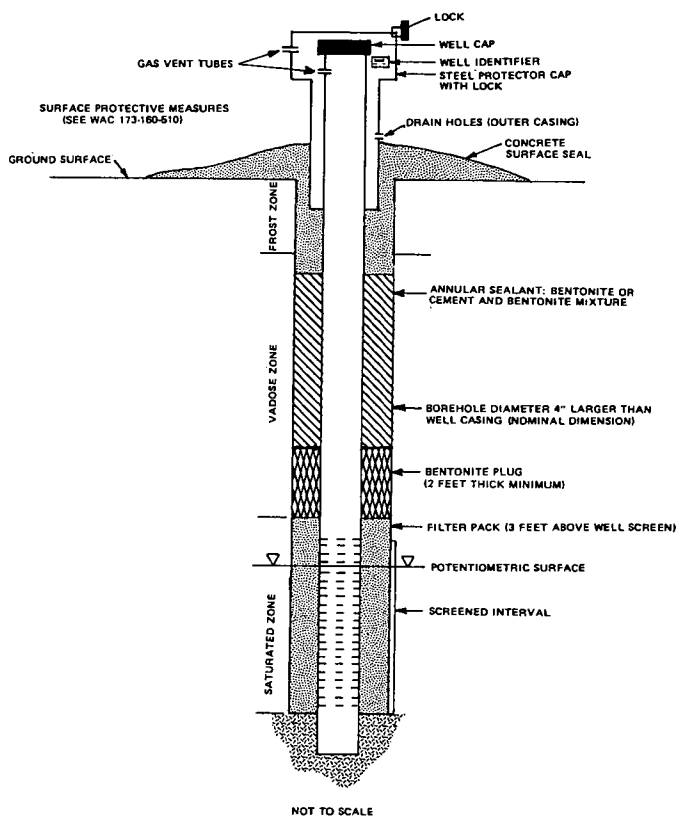


Figure 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

NEW SECTION

WAC 173-160-550 DESIGN AND CONSTRUCTION—WELL SEALS. (1) A layer of bentonite at least two feet thick shall be placed on top of the filter pack. Figure 7 illustrates the well construction.

(2) The annular space shall be grouted with bentonite; or a bentonite-cement sealant, which has a weight in the range of eleven to thirteen pounds per gallon as verified on site, with a mud balance. Monitoring wells designed to retain the outer casing shall be sealed into the first impermeable layer. The sealant shall be installed with a tremie tube from the bottom up. Use only potable water to hydrate the mixture.

(3) Other methods may be used to seal the annular space, if they provide equivalent protection, and a variance has been issued by the department.

NEW SECTION

WAC 173-160-560 ABANDONMENT OF RESOURCE PROTECTION WELLS. (1) If it can be verified that a resource protection well was constructed in accordance with these regulations, it shall be abandoned by filling the casing from the bottom to the surface with grout or bentonite. If the construction cannot be verified, the well shall be abandoned in accordance with WAC 173-160-415(2).

(2) The abandonment procedure shall be recorded on a form provided by the department and shall include, as a minimum, the following information: Project name, if appropriate; date; location of well by 1/4, 1/4, section or smallest legal subdivision; well identification number; use of well; method of setting the plug; type and amount of sealant used; and such additional information as required by the department.

(3) The well abandonment must be recorded and reported to the department within thirty days of abandonment.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-160-060 LOCATION OF WELL SITE AND ACCESS REQUIREMENTS.

WAC 173-160-070 DESIGN AND CONSTRUCTION.

WAC 173-160-080 DESIGN AND CONSTRUCTION—CASING.

WAC 173-160-090 DESIGN AND CONSTRUCTION—WELL COMPLETION—GENERAL.

WAC 173-160-09001 RECOMMENDED WELL DIAMETERS.

WAC 173-160-100 DESIGN AND CONSTRUCTION—SEALING MATERIALS.

WAC 173-160-110 DESIGN AND CONSTRUCTION—SEALING OF CASING—GENERAL.

WAC 173-160-120 DESIGN AND CONSTRUCTION—SEALING OF CONSOLIDATED FORMATIONS.

WAC 173-160-130 SEALING OF UNCONSOLIDATED FORMATIONS WITHOUT SIGNIFICANT CLAY BEDS.

WAC 173-160-140 SEALING OF UNCONSOLIDATED FORMATIONS WITH CLAY BEDS.

WAC 173-160-150 SPECIAL SEALING STANDARDS FOR ARTESIAN WELLS.

WAC 173-160-160 ARTIFICIAL GRAVEL-PACKED WELLS—GENERAL.

WAC 173-160-170 SEALING OF ARTIFICIAL GRAVEL-PACKED WELLS.

WAC 173-160-180 SEALING OF DUG WELLS.
WAC 173-160-190 SPECIAL STANDARDS FOR DRIVEN OR JETTED WELLS.

WAC 173-160-200 UPPER TERMINAL OF WELL.

WAC 173-160-210 CAPPING.
WAC 173-160-220 TESTING OF WELL.
WAC 173-160-230 TESTING OF WELL—ACCESS PORT OR PRESSURE GAGE.
WAC 173-160-240 DISINFECTION.
WAC 173-160-250 QUALITY OF DRILLING WATER.
WAC 173-160-260 PUMP INSTALLATION.
WAC 173-160-270 EXPLOSIVES.
WAC 173-160-280 CHEMICAL CONDITIONING.
WAC 173-160-290 ABANDONMENT OR DESTRUCTION OF WELLS.
WAC 173-160-300 ABANDONMENT OR DESTRUCTION OF WELLS—ABANDONMENT OR DESTRUCTION OF DRILLED OR JETTED WELLS.
WAC 173-160-310 ABANDONMENT OR DESTRUCTION OF WELLS—ABANDONMENT OR DESTRUCTION OF GRAVEL-PACKED WELLS.
WAC 173-160-320 ABANDONMENT OR DESTRUCTION OF WELLS—ABANDONMENT OR DESTRUCTION OF ARTESIAN WELLS.
WAC 173-160-330 ABANDONMENT OR DESTRUCTION OF WELLS—ABANDONMENT OR DESTRUCTION OF DUG WELLS.
WAC 173-160-340 ABANDONMENT OR DESTRUCTION OF WELLS—PLUGGING OF TEST WELLS.
WAC 173-160-350 ARTIFICIAL RECHARGE OF GROUND WATER BODIES.
WAC 173-160-360 SPECIAL EXEMPTIONS.
WAC 173-160-370 RELATIONSHIP TO OTHER AUTHORITIES.
WAC 173-160-380 COMPARABLE CONSTRUCTION STANDARDS.

Chapter 173-162 WAC REGULATION AND LICENSING OF ((WATER)) WELL CONTRACTORS AND OPERATORS

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-010 PURPOSE. These regulations are adopted pursuant to chapter 18.104 RCW in order to establish procedures for the examination, licensing and regulation of ((water)) well contractors and operators.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-020 GENERAL. These regulations are applicable to all ((water)) well contractors and operators who are contracting for ((water)) well construction or constructing ((water)) wells in the state of Washington.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-030 DEFINITIONS. As used in this chapter:

(1) "Constructing a well" or "construct a well" means and includes boring, digging, drilling, or excavating and installing casing, lining or well screens, whether in the installation of a new well or the alteration of an existing well.

(2) "Department" means department of ecology.

(3) "Director" means director of the department of ecology.

(4) ~~("Examining board" means the board composed of three members responsible for the preparation, administration and evaluation of examinations for licenses; one named by the director from the department; the second appointed by the governor, being a person other than one employed by the state, actively engaged in water well drilling activities at the time of his appointment; the third named by the department of social and health services by the secretary thereof (RCW 18.104.090):~~

(5)) "Drilled well" is a well which is usually excavated by mechanical means such as rotary, cable tool, or auger rigs.

(5) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(6) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(7) "Licensee" is any person licensed as a well contractor pursuant to the provisions of this act and these rules.

(8) "Liner" means any casing, screen, or other device inserted into a larger casing, screen, or bore hole as a means of sealing off undesirable material or maintaining the structural integrity of the well.

(9) "Landfill gas extraction well" is a well used to withdraw gas from an unsaturated zone.

(10) "Monitoring well" is a well designed to obtain a representative ground water sample and/or to measure the water level over the screened interval.

(11) "Observation well" is a well designed to measure the depth to the water table. An observation well is screened across the water table and usually is installed in unconfined aquifers.

(12) "Operator" (~~means any person, other than a person exempted by RCW 18.104.180, who~~) is any person employed by a ((water)) well contractor or self employed as a contractor operator for the control and supervision of ((the construction of a water)) well ((or)) construction and for the operation of ((water)) well construction equipment.

(13) "Piezometer well" is a well designed to measure the hydraulic potential (water level elevation) at a specific point in the subsurface. A piezometer has a short screen that is positioned entirely beneath the water table.

(14) "Resource protection wells" mean monitoring wells, observation wells, piezometers and spill response wells, and cased geotechnical test borings.

(15) "Spill response well" is any well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(16) "Supervision" or "supervising" means being present at the site of well construction and responsible for proper construction at any and all times well construction equipment is being operated.

(17) "Water supply well" means any well that is used to withdraw, dewater, or recharge ground water.

~~((6) "Water")~~ (18) "Well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of ((the well)) an excavation is for the location, diversion, artificial recharge or withdrawal of ground water. ("Water well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to repressure oil or natural gas-bearing formations, or for storing of petroleum, natural gas or other products)) Well includes water-supply well and resource protection well. Well does not mean excavations excluded in WAC 173-160-010(3).

~~((7) "Water well contractor" means any person, firm, partnership, co-partnership, corporation, association, or other entity engaged in the business of constructing water wells:~~

(8) "Supervision" or "supervising" means being present at the site of well construction and responsible for proper construction at any and all times that water well construction equipment is being operated:))

(19) "Well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing wells.

(20) "Well rig" is any power driven, percussion, rotary, boring, digging, jetting, or augering machine used in the construction of a well.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-040 COMPLIANCE—REQUIREMENT FOR LICENSING. (1) A ~~((water))~~ well construction operators license is required for all operators.

(2) A ~~((water))~~ well construction operators license is required for all ~~((water))~~ well contractors as follows:

(a) Every ~~((water))~~ well contractor shall designate one official as "liaison representative" who shall have the full responsibility and authority to act as the contractor's agent in all its dealings with the department. The "liaison representative" shall be licensed.

(b) An owner-operator who enters contracts on his own behalf is a ~~((water))~~ well contractor and must be licensed. He shall act as his own "liaison agent" in all dealings with the department.

(3) An architectural, engineering or other similar type professional consulting firm, general contractor or construction firm and highway or bridge construction firm need not have a licensed ~~((water))~~ well construction operator in its employ; provided that all ~~((water))~~ well construction associated with their various projects is conducted ~~((through))~~ by a duly licensed ~~((water))~~ well contractor.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-050 EXEMPTIONS. A ((water)) well construction operators license shall not be required of:

(1) Any individual who personally drills a well on land which is owned or leased by him or in which he has a beneficial interest as a contract purchaser and is used by the individual for farm or noncommercial domestic use only.

(2) Any individual who performs labor or services for a ((water)) well contractor in connection with the drilling of a well at the direction and under ((the)) on-site supervision and control of a licensed operator.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-060 LICENSE REQUIRED—QUALIFICATIONS FOR LICENSING. A person shall be qualified to receive a license if he:

(1) Has made application to the department and has paid a twenty-five dollar application fee.

(2) Has passed a written examination, except that a person who can establish his illiteracy to the satisfaction of the department shall be entitled to an oral examination in lieu of a written examination.

(3) Has at least two years of field experience with a licensed well driller or one year of field experience and an equivalent of at least one school year of qualifying educational training. The qualifying educational training should include the following studies, in combination with field demonstration and experience for the minimum amount of hours shown:

(a) Ground water geology and hydrology – fifty-five hours;

(b) Well design and construction – fifty-five hours;

(c) Records and business basics – twenty-two hours;

(d) History of methods of drilling – twenty-two hours;

(e) Welding – one hundred ten hours; and

(f) Well drilling experience – four hundred fifty-nine hours.

These criteria must have official documentation by state or nationally approved institutions of higher learning.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-100 EXAMINATIONS—TYPE OF EXAMINATIONS. The examinations shall be prepared, administered and evaluated by the ((~~examining board~~)) department. They shall be broken down into sections including a basic general category and specialist categories including but not necessarily limited to cable tool, rotary, driven and dug well construction technology. The examination shall be prepared to test the knowledge and understanding of the following subjects:

(1) Washington ground water laws as they relate to well construction;

(2) Sanitary standards for water well drilling and construction of water wells;

(3) Types of ((water)) well construction;

(4) Drilling tools and equipment;

(5) Underground geology as it relates to ((water)) well construction;

(6) Rules and regulations of the department and the department of social and health services relating to ((water)) well construction;

(7) Preparation of well reports;

(8) Township and range location system as it relates to location of wells; and

(9) Basic ground water hydraulics as it relates to well construction.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-130 LICENSES—GENERAL. It is the intent of the department ((~~and the examining board~~)) in its implementation of the licensing phase of the Washington Water Well Construction Act to effect a smooth transition of this requirement into the ((water)) well construction industry without causing undue hardship on individuals and/or businesses whose livelihood is dependent upon continuing work in this field.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-140 LICENSES—UNCONDITIONAL LICENSE. An applicant who has passed the basic general examination and all specialist categories shall be granted a ((water)) well construction operators license without any restrictions or conditions.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-170 RETAKING EXAMINATION. Upon failing to qualify for ((~~an unconditional~~)) a license, the applicant shall not be entitled to retake the examination or any parts thereof for a period of ninety days from the date of his original examination.

(1) An applicant who has failed to pass the basic general category or has passed the basic general category, but failed to pass any of the specialist categories, shall be considered as a new applicant in all respects.

(2) An applicant who has qualified for a license in one or more of the specialist categories will not be required to pay additional fees for retaking only a part of the examination ((~~as authorized under WAC 173-162-150(2)~~)).

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

WAC 173-162-190 ((WATER)) WELL CONTRACTORS—RESPONSIBILITIES. ((~~†~~)) ~~Every water well contractor shall plainly mark the assigned identification number on each well drilling machine.~~

(2)) The ((water)) well contractor shall be responsible for appointment of a "liaison representative." Any change of "liaison representative" must be immediately reported to the department in order to assure continuity of communication.

NEW SECTION

WAC 173-162-200 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190, civil penalties under RCW 90.03.600 and 18.104.155, and criminal penalties under RCW 18.104.160.

Dated: April 6, 1988
By: J. Allen Stine
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-436 WAC, Washington standards for peaches.

Description of Purpose: To revise the tolerances for defects of the Washington fancy grade.

Specific Statute Rule is Intended to Implement: Chapter 15.17 RCW.

Summary of Rule: The rule will relax the requirements of the Washington fancy grade by allowing 10% additional defects that are not of a serious degree. Other changes are for purposes of clarification only.

Reasons Supporting Proposed Action: The peach industry has requested the change for the purpose of making a greater differentiation between the top grades of Washington extra fancy and fancy grades.

Agency Personnel to Contact: James R. Archer, Fruit and Vegetable Program Manager, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5054.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: These rules are proposed by the Department of Agriculture at the request of the Washington Peach Marketing Committee which administers Federal Marketing Order 921.

Agency Comments: None.

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

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 173-162-210 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-162-220 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-162-110 EXAMINATIONS—CONDUCTING EXAMINATIONS.

WAC 173-162-150 LICENSES—CONDITIONAL LICENSE.

WAC 173-162-160 TEMPORARY AUTHORIZATION.

WAC 173-162-180 WATER WELL CONTRACTORS—IDENTIFICATION NUMBERS.

WSR 88-08-071

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning Washington standards for peaches, chapter 16-436 WAC;

that the agency will at 10:00 a.m., Tuesday, May 10, 1988, in the Conference Room, Washington Department of Agriculture, 2015 South First Street, Yakima, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 16, 1988.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-100 WASHINGTON EXTRA FANCY GRADE. Shall consist of peaches of one variety which are mature, but not soft or overripe; fairly well formed; and which are free from decay, broken skin, worms, worm holes; and free from damage caused by bruises; dirt or other foreign material; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs or russetting; split pits; stem pull; rough suture; other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, (~~and~~) 16-436-210, and 16-436-220.

AMENDATORY SECTION (Amending Order 1212, filed 9/17/71, effective 10/18/71)

WAC 16-436-110 WASHINGTON FANCY GRADE. Shall consist of peaches of one variety which meet all of the requirements of Washington extra fancy: PROVIDED, Split pit not to exceed 3/8 inch in length shall be allowed. Damage, but not serious damage, for rough suture shall be allowed in this grade. Definitions for the above grade will be found under WAC (~~16-436-160~~) 16-436-165, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-140 CULL GRADE. Shall consist of peaches which are immature or soft or seriously damaged by bruises; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs; split pits; or other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-150, (~~16-436-180, and~~) 16-436-200, and 16-436-220.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-160 TOLERANCES. In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington extra fancy (WAC 16-436-100), (~~Washington fancy (WAC 16-436-110);~~) and the Washington combination extra fancy and fancy (WAC 16-436-120), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade but not more than 1/2 of this amount, or 5%, shall be allowed for defects causing serious damage, as defined under WAC 16-436-220, and not more than 1/5 of this amount, or 1%, shall be allowed for decay at shipping point: PROVIDED, An additional tolerance of not more than 10% by count, of the peaches in any lot may be damaged, but not seriously damaged, by bruising at packing time as defined under WAC 16-436-210 and 16-436-220. When applying the foregoing tolerances to the combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 75% of peaches of the higher grade required in the combination, but individual containers shall have not less than 65% of the higher grade (~~PROVIDED, An additional tolerance of not more than 10% by count, of the peaches in any lot may be damaged, but not seriously damaged, by bruising at packing time as defined under WAC 16-436-210 and 16-436-220).~~). An additional tolerance of 2% shall be allowed for soft, overripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

NEW SECTION

WAC 16-436-165 TOLERANCES. In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington fancy (WAC 16-436-110), not more than 20% by count of the peaches in any lot may fail to meet the requirement of this grade, but not more than 1/4 of this amount, or 5% shall be allowed for defects causing serious damage, as defined under WAC 16-436-220 and not more than 1/5 of this amount, or 1% shall be allowed for decay at shipping point. An additional tolerance of 2% shall be allowed for soft, overripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-170 TOLERANCES. In order to allow for variations incident to proper grading and handling for the Washington No. 2 grade (WAC 16-436-130), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than 1/10 of this amount, (~~of~~) or 1%, shall be allowed for decay at shipping point: PROVIDED, That an additional tolerance of 2% shall be allowed for soft, overripe, and decayed peaches en route or at destination.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-185 WASHINGTON STANDARD PACK. Applies to all grades except CULLS.

(1) Each package shall be packed so that the peaches in the shown face shall be reasonable representative in size, color and quality of the contents of the package.

(2) Baskets. Peaches packed in U.S. Standard bushel baskets, (~~for~~) or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) Boxes. Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10% of the packages in any lot may not meet these requirements.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-190 MARKING REQUIREMENTS. Applies to all grades except CULLS.

(1) All containers shall be conspicuously and legible stamped with the name and address of the grower, shipper or packer, the fruit variety, grade, and numerical count, or minimum diameter.

(2) When the numerical count is not shown, the minimum diameter and net weight shall be plainly stamped or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2-1/4 inches minimum, 1-7/8 inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated in accordance with the facts.

(3) In order to allow for variations incident to proper sizing, not more than 10% by count, of the peaches in any lot may be below the specified minimum size and not more than 15% may be above any specified maximum size.

(4) The grade (~~for Wash. ex. fancy; Wash. fancy; Wash. comb. ex. fancy and fancy; Wash. No. 2~~) shall be stamped in letters at least 1/4 inch high. (~~Abbreviations used in this paragraph are the only abbreviations acceptable for grade markings~~) The following abbreviations may be used: Washington may be abbreviated as Wash. or Wa.; extra fancy may be abbreviated as ex. fcy. or extra fcy.; fancy may be abbreviated as fcy.; combination may be abbreviated as comb.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-220 DEFINITION—SERIOUS DAMAGE. Applying to Washington extra fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120); Wash. No. 2 (WAC 16-436-130); cull grade (WAC 16-436-140). "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage.

(1) Bruises, causing a waste in excess of 10% by area on each peach with any one bruise causing a waste in excess of 5% by area or exceeds 3/8 of an inch in depth. Areas or depths of bruises specified are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on definitely larger peaches;

(2) Bacterial spot, when any cracks are not well healed, or when aggregating more than 1/2 inch in diameter;

(3) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(4) Scale, when aggregating more than 1/2 inch in diameter;

(5) Growth cracks, when unhealed, or more than 1/2 inch in length;

(6) Hail injury, when unhealed, or shallow hail injury when aggregating more than 3/4 inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than 1/2 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs, when smooth and light colored and aggregating more than 1-1/4 inches in diameter, or dark or rough and barklike scars aggregating more than 1/2 inch in diameter;

(8) Split pit, when causing any unhealed crack, or when healed and aggregating more than 1/2 inch in length including any part of the crack which may be covered by the stem;

(9) Stem pulls larger than 1/2 inch in diameter, including stem area;

(10) Punctures not on the shoulder area or punctures on the shoulder area larger than 3/16 of an inch in diameter;

(11) Rough suture, entire length of suture 1/4 inch wide, 1/16 inch high.

WSR 88-08-072**PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed April 6, 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 Secondary education—Standardized high school transcript, chapter 180-57 WAC;

that the agency will at 9:00 a.m., Thursday, May 19, 1988, in the Walla Walla School District Boardroom, Walla Walla, 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, May 20, 1988.

The authority under which these rules are proposed is RCW 28A.04.155.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, May 19, 1988.

Dated: April 6, 1988

By: Monica Schmidt
Secretary**STATEMENT OF PURPOSE**

Rule: Chapter 180-57 WAC, Secondary education—Standardized high school transcript.

Rule Section(s): WAC 180-57-050, Definition—Marking system.

Statutory Authority: RCW 28A.04.155.

Purpose of the Rule(s): To establish uniform system for reporting grades on transcripts.

Summary of the New Rule(s) and/or Amendments: Clarifies that districts need not adopt a grading system which uses minuses and pluses and, if adopted, need not report such minuses and pluses on transcripts.

Reasons Which Support the Proposed Action(s): Clarification of existing rules.

Person or Organization Proposing the Rules(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Alfred Rasp, SPI, 3-3449; and Enforcement: Charles R. 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): Housekeeping amendment attempting to clarify existing rule.

AMENDATORY SECTION (Amending Order 18-84, filed 12/10/84)

WAC 180-57-050 ((~~DEFINITION—MARKING~~)) **GRADE REPORTING AND CALCULATION SYSTEM.** Except for the pass/fail, credit/no credit, and satisfactory/unsatisfactory options noted below, the standardized high school transcript shall ((~~be based on a~~

marking/grading system that)) report((s)) the marks/grades earned by students in courses as follows:

(1) A	=	4.0
(2) A-	=	3.7
(3) B+	=	3.3
(4) B	=	3.0
(5) B-	=	2.7
(6) C+	=	2.3
(7) C	=	2.0
(8) C-	=	1.7
(9) D+	=	1.3
(10) D	=	1.0
(11) E or F	=	0.0

PROVIDED, That there is no requirement to adopt a marking/grading system that uses minuses or pluses or, if adopted, to report minuses or pluses on standardized transcripts.

The minimal passing mark/grade is D = 1.0. Pass/fail, credit/no credit, and satisfactory/unsatisfactory marks ((~~may~~)) also ~~may~~ be used; however, notwithstanding the provisions of WAC 180-57-055, these nonnumerical marks/grades shall be clearly identified and excluded from the calculation of grade point average.

WSR 88-08-073**PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed April 6, 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 certification—General provisions, chapter 180-75 WAC;

that the agency will at 9:00 a.m., Thursday, May 19, 1988, in the Walla Walla School District Boardroom, Walla Walla, 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, May 20, 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, May 19, 1988.

Dated: April 6, 1988

By: Monica Schmidt
Secretary**STATEMENT OF PURPOSE**

Rule: Chapter 180-75 WAC, Professional certification—General provisions.

Rule Section(s): WAC 180-75-085, General requirements—Teachers, administrators, educational staff associates.

Statutory Authority: RCW 28A.70.005.

Purpose of the Rule(s): To implement background check.

Summary of the New Rule(s) and/or Amendments: Requirement for State Patrol background check.

Reasons Which Support the Proposed Action(s): General health, safety and welfare of students.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Dr. Lillian Cady, SPI, 3-2751; and Enforcement: Dr. Robert 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 14-87, filed 12/21/87)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-75-082 and must make arrangements with the Washington state patrol ~~((to provide the superintendent of public instruction a copy of any arrest or other record in possession of such state patrol))~~ for a background check as required by RCW 28A.70.005: PROVIDED, That applicants for teacher certificates, including vocational teaching certificates, who do not make such an arrangement with the state patrol shall have placed on such certificates by the superintendent of public instruction a provision which restricts the certificate holder to the teaching of students who are sixteen years of age or older.

(3) Academic. A candidate for certification shall have successfully completed an approved professional preparation program within the state of Washington and hold appropriate degrees, licenses, and additional course work as prescribed in chapter 180-79 WAC or have qualified under WAC 180-79-245.

(4) Program completion. A candidate for an initial or continuing certificate shall provide verification that he or she has completed an approved professional preparation program.

Subsections (3) and (4) of this section shall not apply to vocational certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC.

WSR 88-08-074

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed April 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning open water disposal sites, amending WAC 332-30-166, will increase the fees for Seattle, Tacoma and Everett sites from \$.15/cubic yard to \$.40/cubic yard. Fees for the rest of Puget Sound and the Straits of Juan de Fuca remain at \$.15/cubic yard. The \$100 lease fee for Grays Harbor and Willapa Harbor is deleted. All other fees and conditions remain the same;

that the agency will at 7 - 9 p.m., Tuesday, May 10, 1988, in the Port of Seattle, Port Commissioners' Chambers, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1988.

The authority under which these rules are proposed is RCW 79.90.560.

The specific statute these rules are intended to implement is RCW 79.90.550, 79.90.555 and 79.90.560.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1988.

Dated: April 5, 1988

By: John L. Chambers
for Brian J. Boyle

Commissioner of Public Lands

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 332-30-166, Aquatic land management, open water disposal sites.

Statutory Authority: RCW 79.90.560.

Specific Statute that Rule is Intended to Implement: RCW 79.90.550, 79.90.555 and 79.90.560.

Summary of the Rule(s): WAC 332-30-166, Aquatic lands management, establishes fees to be charged by DNR for use of state-owned open water disposal sites for dredged materials. The proposed amendment will increase the fees for Seattle, Tacoma and Everett sites from \$.15/cubic yard to \$.40/cubic yard. Fees for other sites in Puget Sound and the Straits of Juan de Fuca will remain the same at \$.15/cubic yard. The amendment will also clarify that the Corps of Engineers projects, such as navigation channel maintenance, are exempt, unless they have local sponsors. Corps projects with local sponsors are subject to DNR fees. The lease fee of \$100 for all sites in Grays Harbor and Willapa Bay would be deleted. All other fees and conditions will remain the same.

Reasons Supporting the Proposed Rule(s): The 1987 legislature authorized DNR to provide, manage and monitor aquatic land disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors and shipping lanes (RCW 79.90.550). The fee increases are based on the calculated expenses determined jointly by DNR, DOE, the "Corps," and EPA in the management plan for unconfined open water disposal of dredged materials, Phase I (Central Puget Sound). The plan also projects a schedule for monitoring the sites over the next 15 years. The "Corps" will be responsible for the physical monitoring while DNR will bear the responsibility for biological and chemical monitoring. To make this possible, the 1987 legislature also authorized DNR to estimate costs for the site management and environmental monitoring and to establish fees necessary to cover the costs (RCW 79.90.555). Money from the fees will be held in aquatic land dredged material disposal site account. After appropriation, the funds may be spent only for the management and environmental monitoring of aquatic land dredged material disposal sites (RCW 79.90.560).

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: John De Meyer, Manager, Division of Aquatic Lands, Mailstop QW-21, Olympia, WA 98504, (206) 753-5326.

Name of the Person or Organization Whether Private, Public, or Governmental that is Proposing the Rule: Department of Natural Resources.

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

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

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

REGULATORY FAIRNESS ACT STATEMENT

Summary of Rules: An amendment is proposed for WAC 332-30-166, Open water disposal sites. The rule establishes and regulates fees for open water unconfined dredged material disposal throughout the state.

Filing Date and List of Changes: The proposed amendment and notice of hearing will be filed with the code reviser on or before April 6, 1988, for regular rules adoption. The revisions apply to WAC 332-30-166 (9) and (10). Subsection (9) clarifies that Army Corps of Engineers navigation channel maintenance projects, where there is no local sponsor, are exempt from DNR fees. Subsection (10) increases fees charged for open water dredged material disposal in Central Puget Sound near Seattle, Tacoma and Everett.

Economic Impact: The proposed rule amendment will increase fees charged by DNR for disposal of dredged materials on state-owned aquatic lands in Central Puget Sound. The fees will change from 15 cents/cubic yard to 40 cents/cubic yard. However, this increase would apply only to dredged material disposal at the Seattle, Tacoma and Everett disposal sites. The fees for projects in other parts of Puget Sound, Straits of Juan de Fuca, Grays Harbor, and Willapa Bay, will remain the same. The fees are expected to decrease in the future, as the need for continued monitoring of disposal sites is lessened.

Mitigation of Increased Costs: No mitigation is planned. The proposed amendment will not affect the smaller operators dredging 5,000 cubic yards or less due to the current 2,000 minimum fee.

AMENDATORY SECTION (Amending Order 451, Resolution No. 492, filed 7/16/85)

WAC 332-30-166 OPEN WATER DISPOSAL SITES. (1) Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Material may be disposed of on state-owned aquatic land only at approved open water disposal sites and only after authorization has been obtained from the department. Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the interagency open water disposal site evaluation committee for establishment of a new site.

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.

(4) The department will only issue authorization for use of the site after:

(a) The environmental protection agency and department of ecology notify the department that, in accordance with Sections 404 and 401, respectively, of the Federal Clean Water Act, the dredged materials

are suitable for in-water disposal and do not appear to create a threat to human health, welfare, or the environment; and

(b) All necessary federal, state, and local permits are acquired.

(5) Any use authorization granted by the department shall be subject to the terms and conditions of any required federal, state, or local permits.

(6) The department shall suspend or terminate any authorization to use a site upon the expiration of any required permit.

(7) All leases for use of a designated site must require notification to DNR in Olympia twenty-four hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

(8) Pipeline disposal of material to an established disposal site will require special consideration.

(9) ~~((An application and a lease))~~ Fees will be charged at ~~((a))~~ rates sufficient to cover all departmental costs associated with management of the sites. Fees will be reviewed and adjusted annually or more often as needed. A penalty fee may be charged for unauthorized dumping or dumping beyond the lease site. Army Corps of Engineers navigation channel maintenance projects where there is no local sponsor are exempt from this fee schedule.

FEEES

(a) ~~((Application fee~~

~~((i))~~ Puget Sound and Strait of Juan De Fuca: ~~((\$.15 per cubic yard (c.y.) for the first 200,000 c.y.; Negotiated fee for project volumes exceeding 200,000 c.y.; Minimum fee \$2,000.00~~

~~((ii))~~ (i) Seattle, Tacoma, and Everett disposal sites \$0.40 per cubic yard (c.y.), \$2,000 minimum;

~~((ii))~~ Other disposal sites \$0.15 per c.y. for the first 200,000 c.y., negotiated fee for project volumes exceeding 200,000 c.y., \$2,000 minimum.

(b) Grays Harbor/Willapa Harbor: Minimum fee \$300.00

~~((b))~~ Lease fee - \$100.00 all sites))

(c) ~~((Penalty))~~ Damage fee - \$5.00/cubic yard

(10) Open water disposal site selection. Sites are selected and managed by the department with the advice of the interagency open water disposal site evaluation committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

(a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.

(b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.

(c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.

(d) When possible, use disposal sites that have substrate similar to the material being dumped.

(e) Select areas close to dredge sources to insure use of the sites.

(f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.

(g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.

(h) Current velocity, particle size, bottom slope and method of disposal must be considered.

(i) Projects transporting dredged material by pipeline will require individual review.

(j) Placement of temporary site marking buoys may be required.

(k) The department will assure disposal occurs in accordance with permit conditions. Compliance measures may include, but are not limited to, visual or electronic surveillance, marking of sites with buoys, requiring submittal of operator reports and bottom sampling or inspection.

(l) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.

(m) Locate sites where surveillance is effective and can easily be found by tugboat operators.

(11) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

WSR 88-08-075
PROPOSED RULES
DEPARTMENT OF LICENSING
(Podiatry Board)
 [Filed April 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Podiatry Board intends to adopt, amend, or repeal rules concerning examinations and renewals;

that the agency will at 2:00 p.m., Wednesday, May 11, 1988, in the Sea-Tac Marriott Hotel, City Suite, 3201 South 176th, 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 18.22.083 and 18.22.120.

The specific statute these rules are intended to implement is RCW 18.22.083 and 18.22.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

Dated: April 5, 1988

By: Ron Weaver
 Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Podiatry.

Purpose: To establish standards and procedures concerning the acceptable examination for podiatry licensure and renewal guidelines.

Statutory Authority: RCW 18.22.083 and [18.22].120.

Summary of Rules: WAC 308-31-010 combines WAC 308-31-010 and 308-31-015, sets the passing score at 75, board will approve the method of grading, scores will be released to applicant only and all applicants are required to pass the state exam; and WAC 308-31-056 sets the annual renewal date as well as information concerning penalties and reinstatements.

Reason Proposed: Allow use of professionally prepared examinations and fulfill need for renewal clarification.

Responsible Departmental Personnel: In addition to members of the Washington State Podiatry Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Gloria Westerfield, Executive Secretary and Judy Riker, Assistant Executive

Secretary, located at 1300 Quince Street, Olympia, WA 98504, (206) 753-2844.

Proponents: The Washington State Podiatry Board.

AMENDATORY SECTION (Amending Order PM 624, filed 11/3/86)

~~WAC 308-31-010 EXAMINATIONS. (1) ((It is the determination of the board that after July 6, 1976, all applicants for licensure who have been licensed by examination in another state or who have satisfactorily passed examinations given by the national board of podiatry examiners will be required to pass a written examination in the clinical application of the following subjects:~~

~~Dermatology
 Biomechanics
 Surgery
 Medicine
 Podiatric medicine
 Radiology
 Pharmacology
 Laboratory procedures~~

~~Washington laws regulating podiatrists, including but not limited to chapter 18.22 RCW, chapter 308-31 WAC, and chapter 18.130 RCW.~~

~~The examination will be given at least annually, at a time and place designated by the board.)) In order to be licensed to practice podiatry in the state of Washington, all applicants must pass Part I and Part II of the national examination prepared by the National Board of Podiatry Examiners in addition to an examination approved by the Washington state podiatry board as the state examination.~~

~~(2) Every applicant for a podiatry license shall be required to pass the state examination ((for such a license)) with a grade of at least 75((%).~~

~~(3) The board shall ((determine)) approve the method of grading each examination, and shall apply such method uniformly to all applicants taking ((that)) the examination.~~

~~(4) The board and the department shall not disclose any applicant's examination score to anyone other than the applicant, unless requested to do so in writing by the applicant.~~

~~(5) ((The applicant will be notified, in writing, of his or her examination scores)) After July 6, 1976, all applicants for licensure who have been licensed by examination in another state or who have satisfactorily passed the examinations given by the National Board of Podiatry Examiners will be required to pass the state approved examination.~~

NEW SECTION

WAC 308-31-056 LICENSE RENEWAL DATE. All licenses expire July 1 of every year and are invalid if the renewal fee has not been received by that date. The licensee must submit a renewal application along with current renewal fees prior to the expiration date. Should the licensee fail to renew the license prior to the expiration date then the license is invalidated and the individual is subject to the statutory penalty fee, which includes all delinquent annual renewal fees plus the penalty fee. If the licensee fails to renew their license within three years after the expiration date, a new complete application and fee are required to apply for issuance of a license. Reexamination may be waived if the board determines that the applicant meets all the requirements for licensure and is competent to engage in the practice of podiatry. No person shall practice podiatry with an expired license.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-31-015 EXAMINATIONS REQUIRED FOR LICENSURE.

WSR 88-08-076
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
 [Memorandum—April 6, 1988]

The Board of Medical Examiners has scheduled a meeting for April 21, 1988, at 464 12th Avenue, Seattle, Washington. The meeting will begin at 2 p.m.

WSR 88-08-077
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—June 29, 1987]

The following is a revised list of the regularly scheduled meetings of the board of trustees for the Seattle Community College District for the calendar years 1987-88.

August 4, 1987	Seattle Community College District
September 1, 1987	North Seattle Community College
October 6, 1987	Seattle Central Community College
November 3, 1987	South Seattle Community College
December 1, 1987	Seattle Community College District
January 5, 1988	North Seattle Community College
February 2, 1988	South Central Community College
March 1, 1988	South Seattle Community College
April 5, 1988	North Seattle Community College
May 3, 1988	Seattle Central Community College
June 7, 1988	South Seattle Community College
July meetings are scheduled if required.	
August 2, 1988	Seattle Community College District
September 6, 1988	North Seattle Community College
October 4, 1988	Seattle Central Community College
November 1, 1988	South Seattle Community College
December 6, 1988	Seattle Community College District

WSR 88-08-078
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2616—Filed April 6, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Income—Deductions, amending WAC 388-49-500.

This action is taken pursuant to Notice No. WSR 88-06-082 filed with the code reviser on March 2, 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 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 6, 1988.
 By Leslie F. James, Director
 Administrative Services

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

WAC 388-49-500 INCOME—DEDUCTIONS.

(1) The department shall allow the following deductions when computing net income:

~~((+))~~ (a) A standard deduction of one hundred two dollars per household per month.

~~((2))~~ (b) An earned income deduction of twenty percent of gross earned income (~~Exclude earnings~~) except as provided in WAC (~~388-49-470 from gross earned income~~) 388-49-640(8) concerning intentional program violation overpayments.

~~((3))~~ (c) A dependent care deduction of the actual amount (~~paid~~) incurred not to exceed one hundred sixty dollars (~~:~~

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

(i) Seek, accept, or continue employment(~~:~~); or

(ii) ~~((Seek employment, or~~

~~(iii))) Attend training or education preparatory to employment.~~

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

~~(4))~~ (d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars (~~for households containing an~~) incurred by a household member who is elderly or disabled (~~(person)~~).

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

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

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

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

~~(5))~~ (e) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, and dependent care deductions.

(i) The shelter deduction shall not exceed one hundred sixty-four dollars for a household certified on or after October 1, 1987.

(ii) The shelter deduction shall not exceed one hundred fifty-two dollars for a household certified before October 1, 1987, for the life of the certification period.

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

(2) Shelter costs may include:

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

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

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

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

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

~~(6))~~ Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster.

~~((7))~~ (c) ((Households shall be entitled to claim)) The standard utility allowance when ((incurring)) a household incurs any separate utility charges for heating or cooling costs. ((They are households)) A household may incur a separate utility charge when it:

~~((a))~~ (i) Has not yet ((receiving)) received a billing for utilities ((may use a collateral contact from a landlord or utility company to confirm a separate billing from rent or mortgage)); or

~~((b))~~ (ii) Is billed monthly by ((their landlords)) the landlord for actual usage as determined through individual metering ((qualifying for the standard utility allowance)); or

~~((c))~~ (iii) ((Sharing)) Shares residence and utility costs with other persons ((permitted to use)), in which case the deduction is for the household's prorated share of the standard allowance ((; and)).

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

~~(8) Households shall be entitled to use))~~ Actual utility costs rather than the standard utility allowance if the household is:

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

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

~~((9))~~ (3) ((Households shall be entitled to)) A household may switch between actual utility costs and the standard utility allowance:

(a) At each recertification, and

(b) One additional time during each twelve-month period following the initial certification action.

~~((10))~~ (4) The department shall verify:

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

(i) Moved, or

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

(b) Utility expenses:

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

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

(c) Dependent care costs including changes, except in prospective budgeting.

(d) Medical expenses and the reimbursement amounts resulting in a deduction:

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

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

(5) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction, except in prospective budgeting.

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 88-08-079
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2617—Filed April 6, 1988]

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

This action is taken pursuant to Notice No. WSR 88-05-005 filed with the code reviser on March 2, 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 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
 APPROVED AND ADOPTED April 6, 1988.

By Leslie F. James, Director
 Administrative Services

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

WAC 388-49-470 INCOME—EXCLUSIONS.

(1) The department shall exclude the following income:

~~((1))~~ (a) 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 H 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:~~

~~(9)) (b) Any income specifically excluded by any other federal statute from consideration as income in the Food Stamp Program.~~

~~(c) The earned income of children who are:~~

~~((a)) (i) Members of the household,~~

~~((b)) (ii) Under eighteen years of age, and~~

~~((c)) (iii) Attending school at least half time.~~

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

~~((a)) (i) Cannot be reasonably anticipated as available, and~~

~~((b)) (ii) Shall not exceed thirty dollars for all household members.~~

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

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

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

~~((15)) (h) Financial aid received under Title IV of the Higher Education Act designated by the school for:~~

~~((a)) (i) Tuition,~~

~~((b)) (ii) Fees (including equipment and material),~~

~~((c)) (iii) Books,~~

~~((d)) (iv) Supplies,~~

~~((e)) (v) Transportation, and~~

~~((f)) (vi) Miscellaneous personal expenses as determined by the institution.~~

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

~~((a)) (i) Tuition, and~~

~~((b)) (ii) Mandatory fees.~~

~~((17)) (j) Nonfederal financial aid designated by the school for:~~

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

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

~~((18)) (k) Reimbursements for past or future expenses to the extent the reimbursements do not:~~

~~((a)) (i) Exceed the actual expense, and~~

~~((b)) (ii) Represent a gain or benefit to the household.~~

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

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

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

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

Number in Grant Assistance Unit	Energy Exclusion
1	\$30
2	39
3	46
4	56
5	63
6	72
7	84
8 or more	92

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

~~((25)) (r) 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)) (s) Payments from the Individual and Family Grant Program.~~

~~(t) Public assistance payments when they are:~~

~~(i) Over and above the regular warrant amount; and~~

~~(ii) Not normally a part of the regular warrant; and~~

~~(iii) Paid directly to a third party on behalf of the household.~~

(u) Earnings from on-the-job training programs under the Job Training Partnership Act by household members:

- (i) Under 19 years of age; and
- (ii) Under parental control.
- (2) 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.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary 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.

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 88-08-080
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2618—Filed April 6, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to definitions, amending WAC 388-49-020.

This action is taken pursuant to Notice No. WSR 88-06-079 filed with the code reviser on March 2, 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 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 6, 1988.

By Leslie F. James, Director
 Administrative Services

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) "Destitute household" means a household with migrant or seasonal workers with little or no income at

the time of application in need of immediate food assistance.

(18) "Disabled person" means a person who meets one of the following criteria:

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

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

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

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

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

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

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

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

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

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

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

(25) "Excluded household member" means a member who is excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a social security number;

(c) Failure to comply with work registration or employment and training program services requirements; or

(d) Status as an ineligible alien.

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

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

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

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

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

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

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

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

(34) "Head of household" means:

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

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

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

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

(A) Registered for work,

(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

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

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

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

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

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

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

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

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

(43) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any

course in a trade or vocational school that normally requires a high school diploma or equivalency for admission to the course.

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

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

Intentional program violation which ended prior to August 8, 1983, consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

- (a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;
- (b) Conceal information to obtain benefits to which the household is not entitled;
- (c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;
- (d) Use coupons to buy expensive or conspicuous non-food items;
- (e) Use or possess improperly obtained coupons or authorization cards; and
- (f) Trade or sell coupons or authorization cards.

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

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

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

- (a) Income tax refunds,
- (b) Rebates,
- (c) Retroactive payments, and
- (d) Insurance settlements.

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

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

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

(51) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as ((a)):

- (a) ~~((Boarder))~~ A roomer;
 - (b) A live-in attendant or ineligible student; and
 - (c) An individual who does not purchase and prepare meals with the food stamp household.
- (52) "Nonstriker" means any person:

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

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

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

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

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

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

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

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

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

~~((58)))~~ (57) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

~~((59)))~~ (58) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

~~((60)))~~ (59) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

~~((61)))~~ (60) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

~~((62)))~~ (61) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

~~((63)))~~ (62) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((64)))~~ (63) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

~~((65))~~ (64) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

~~((66))~~ (65) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

~~((67))~~ (66) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

~~((68))~~ (67) "Resident of an institution" means a person who resides in an institution that provides the individual with the majority of meals as part of the institution's normal service.

~~((69))~~ (68) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

~~((70))~~ (69) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

~~((71))~~ (70) "Roomer" means an individual to whom a household furnishes lodging, but not meals, for compensation.

~~((72))~~ (71) "Seasonal farmworker" means an individual working in seasonal agricultural employment who is not required to be absent from his or her permanent place of residence overnight.

~~((73))~~ (72) "Shelter costs" means:

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

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

(c) Assessments;

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

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

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

~~((74))~~ (73) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

~~((75))~~ (74) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

~~((76))~~ (75) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

~~((77))~~ (76) "Sponsored alien" means an alien lawfully admitted for permanent residence.

~~((78))~~ (77) "Spouse" means:

(a) Married under applicable state law; or

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

~~((79))~~ (78) "Striker" means any person:

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

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

~~((80))~~ (79) "Student" means any person:

(a) Between eighteen and sixty years of age,

(b) Physically and mentally fit for employment, and

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

~~((81))~~ (80) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(81) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an Aid to Families With Dependent Children (AFDC) grant as his or her own payee;

(b) Receiving income equal to, or exceeding, the AFDC grant payment standard; or

(c) Married.

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

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

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

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

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

WSR 88-08-081

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2619—Filed April 6, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Resources—Exempt, amending WAC 388-49-410.

This action is taken pursuant to Notice No. WSR 88-06-080 filed with the code reviser on March 2, 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 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 6, 1988.

By Leslie F. James, Director
Administrative Services

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

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

- (a) An occupied home and surrounding property not separated by intervening property owned by others;
- (b) An unoccupied home and surrounding property if:
 - (i) The household intends to return to the home, and
 - (ii) The house is unoccupied due to:
 - (A) Employment,
 - (B) Training for future employment,
 - (C) Illness, or
 - (D) Uninhabitability due to casualty or natural disaster.
- (c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;
- (d) Personal effects;
- (e) Household goods;
- (f) One burial plot per household member;
- (g) Cash value of:
 - (i) Life insurance policies, and
 - (ii) Pension funds.
- (h) Vehicles as provided in WAC 388-49-430;
- (i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (f);
- (j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;
- ~~((p))~~ (k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;
- ~~((k))~~ (l) Property essential to the employment or self-employment of a household member;
- ~~((t))~~ (m) Resources held separately by nonhousehold members;
- ~~((m))~~ (n) Indian lands:
 - (i) Held jointly with the tribe, or
 - (ii) Sold only with the approval of the Bureau of Indian Affairs.
- ~~((n))~~ (o) Resources prorated as income for self-employed persons or eligible students. These monies, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;
- ~~((o))~~ (p) Cash value of resources not accessible to the household;

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

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

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

~~((t))~~ (t) Value of the property sold under an installment contract; ~~((and))~~

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

(v) Real or personal property when:

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

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

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

~~((u))~~ (y) Resources of persons residing in shelters for battered women and children if:

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

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

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

WSR 88-08-082

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**
[Memorandum—April 6, 1988]

STATE/EPA AGREEMENT
NOTICE OF PUBLIC HEARING

The Washington Department of Ecology (Ecology), the Washington Department of Social and Health Services (DSHS), and the U.S. Environmental Protection Agency, Region 10 (EPA) are requesting public review and comment on proposed environmental programs to be included in a formal agreement between these agencies for fiscal year 1989 (July 1, 1988 – June 30, 1989). The State/EPA Agreement (SEA) contains priorities for drinking water, air quality, and water programs.

A public hearing will provide opportunity for comments on draft documents. Written comments will also be accepted by Ecology until June 2, 1988.

Public hearing: May 26, 1988, 7:00 p.m., EFSEC, Hearing Room, 4224 6th Avenue S.E., Building 1, Lacey, Washington.

Draft SEA documents will be available to the public after May 2, 1988, at Ecology Headquarters (Lacey), Ecology regional offices (Tumwater, Redmond, Yakima,

and Spokane), DSHS Headquarters (Tumwater), and EPA offices (Seattle and Lacey).

Submit written comments or requests for documents to: Mark Jackson, Department of Ecology, MS PV-11, Olympia, Washington 98504-8711, phone (206) 459-6280.

WSR 88-08-083
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed April 6, 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:

New	WAC 232-28-217	1988 Hunting seasons and game bag limits and 1988 Game management units and area legal descriptions.
Rep	WAC 232-28-213	1987 Hunting seasons and game bag limits for [and] 1987 Game management units and area legal descriptions.
Rep	WAC 232-28-21301	Amendment to 1987 Hunting seasons and rules.
Rep	WAC 232-28-214	Cooperative road management program;

that the agency will at 9:00 a.m.-8:00 a.m., Saturday-Sunday, May 14-15, 1988, in the Issaquah Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 14-15, 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 May 11, 1988.

Dated: April 5, 1988
By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-217, 1988 Hunting seasons and game bag limits and 1988 Game management units and area legal descriptions.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Establishes 1988 Hunting seasons and game bag limits and 1988 Game management units and area legal descriptions in the manner outlined in the 1987 pamphlet.

Reasons Supporting the Proposed Rule: Resource management.

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, Department of Wildlife, 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 232-28-217 1988 HUNTING SEASONS AND GAME BAG LIMITS AND 1988 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1988 Hunting seasons and game bag limits and 1988 Game management units and area legal descriptions proposed by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 232-28-213 1987 Hunting Seasons and Game Bag Limits for 1987 Game Management Units and Area Legal Descriptions
- WAC 232-28-21301 Amendment to 1987 Hunting Seasons and Rules
- WAC 232-28-214 Cooperative Road Management Program

WSR 88-08-084
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed April 6, 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 bow and arrow requirements, amending WAC 232-12-054;

that the agency will at 9:00 a.m.-8:00 a.m., Saturday-Sunday, May 14-15, 1988, in the Issaquah Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 14-15, 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 May 11, 1988.

Dated: April 5, 1988

By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-054, Bow and arrow requirements.

Statutory Authority: RCW 77.04.055, 77.12.040 and 77.12.150.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: To add new restrictions to the bow hunting WAC. Equipment improvements among bow hunting manufacturers recently have jeopardized the bow and arrow as a primitive weapon. The proposed rule is intended to restrict bow hunting equipment advances and retain archery as a primitive weapon.

Reasons Supporting the Proposed Rule: Archery manufacturers have now developed bows with a 95 percent reduction (let off) in holding weight at full draw and larger sights to accurately aim at its target. These advances compromise the classification of the bow and arrow as a primitive weapon. The Washington Archery Association and Washington State Bow Hunters support bow hunting equipment restrictions to retain archery as a primitive weapon sport.

Agency Personnel Responsible for Drafting and Implementation: Jack Smith, Division Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Wildlife Enforcement Division, Department of Wildlife, 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 comment.

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

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

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-054 BOW AND ARROW REQUIREMENTS.

(1) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight

inches or less draw length and have no greater than a 65% reduction (let off) in holding weight at full draw.

(2) It is unlawful to hunt big game animals with any arrows ((other than)) weighing less than one ounce (437 grains) and those having sharp broadhead blade or blades ((at least)) less than seven-eighths inches wide. The broadhead must be unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line shall not angle toward the point.

(3) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during the bow and arrow season specified for that area.

(4) It is unlawful to shoot at wildlife with an arrow from a vehicle or from, across or along the maintained portion of a public highway.

(5) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

(6) It is unlawful to have any electrical equipment or device(s) attached to the bow or arrow while hunting any wild game.

WSR 88-08-085

PROPOSED RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Filed April 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Wildlife and State Wildlife Commission, intends to adopt, amend, or repeal rules concerning tagging requirements for bobcat, Canada lynx and river otter, amending WAC 232-12-024;

that the agency will at 9:00 a.m.-8:00 a.m., Saturday-Sunday, May 14-15, 1988, in the Issaquah Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 14-15, 1988.

The authority under which these rules are proposed is RCW 77.12.030 and 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.030 and 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 11, 1988.

Dated: April 5, 1988

By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: Amending WAC 232-12-024, Tagging requirements for bobcat, Canada lynx and river otter.

Statutory Authority: RCW 77.12.030 and 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.030 and 77.12.040.

Summary of the Rule: The proposed amendments include addition of cougar in the tagging requirements WAC; and clarification of the intent that all native cats and river otter must be tagged 10 days after the close of the appropriate season in which the animal was harvested and that the pelts be presented by the person taking

the animal to either a wildlife agent or department office.

Reasons Supporting the Proposed Rule: The requirement for the tagging of cougar within ten days of the date of kill has been stated in hunting pamphlets. The purpose of this amendment is a housekeeping measure to standardize the tagging requirements for all native cats into one permanent WAC.

Agency Personnel Responsible for Drafting and Implementation: Jack Smith, Administrator, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and **Enforcement:** Dan Wyckoff, Wildlife Enforcement Division, Department of Wildlife, 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 comment.

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

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

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-024 TAGGING REQUIREMENTS FOR BOBCAT, CANADA LYNX, COUGAR AND RIVER OTTER. It is unlawful to possess or export from the state of Washington, bobcat, Canada lynx, cougar or river otter pelts or parts thereof taken in Washington unless they have a department identification tag attached to them.

Pelts of bobcat, lynx and river otter must be tagged within ten days after the close of the appropriate hunting or trapping season in which they were harvested. Cougar pelts must be tagged within ten days of the date of kill.

All bobcat, Canada lynx, cougar and river otter pelts must be presented by the person harvesting the animal to a wildlife agent or department office for tagging.

Bobcat, Canada lynx or river otter taken outside Washington and imported into the state, must be identified by a tag from the state or country of origin and accompanied by an invoice or declaration specifying the number of pelts in the shipment.

WSR 88-08-086
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed April 6, 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 hunting of game animals by persons of disability, adopting WAC 232-12-827;

that the agency will at 9:00 a.m.-8:00 a.m., Saturday-Sunday, May 14-15, 1988, in the Issaquah Holiday Inn, Issaquah, 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 77.12.010.

The specific statute these rules are intended to implement is RCW 77.12.010 and 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1988.

Dated: March 29, 1988

By: Rich Poelker
Governmental and External
Affairs Administrator

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-287, Hunting of game animals by persons of disability.

Statutory Authority: RCW 77.12.010.

Specific Statute that Rule is Intended to Implement: RCW 77.12.010 and 77.12.040.

Summary of the Rule: These regulations are intended to carry out the legislative policy of maximizing handicapped person's access to recreational opportunity as codified in RCW 77.12.010. These regulations are intended to enhance the health, safety, and welfare of the general public and not that of any particular person or group of persons.

Reasons Supporting the Proposed Rule: These regulations provide an enhanced opportunity for persons of disability to participate in wildlife-related recreation on a more equal basis.

Agency Personnel Responsible for Drafting: Rich Poelker, Governmental and External Affairs Administrator, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-0557; **Implementation:** Jack Smith, Division Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and **Enforcement:** Dan Wyckoff, Division Chief, Wildlife Enforcement Division, Department of Wildlife, 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 232-12-827 HUNTING OF GAME ANIMALS BY PERSONS OF DISABILITY. These regulations are intended to carry out the legislative policy of maximizing handicapped persons' access to recreational opportunity as codified in RCW 77.12.010. These regulations are intended to enhance the health, safety, and welfare of the

general public and not that of any particular person or group of persons.

Definition of person of disability: A permanently disabled person who is unable to be mobile (non-ambulatory) without the assistance of a wheelchair or crutches. This definition and the following regulations are intended to address those disabled person with lower extremity impairment such as paraplegics and amputees.

Rules:

(1) Retrieval: Disabled persons may have a non-disabled companion retrieve or assist in retrieval of game animals.

(2) A non-disabled companion is a licensed hunter accompanying a disabled hunter to assist in retrieval, killing of game wounded by a disabled hunter, and tagging of game killed by a disabled hunter.

(3) Killing of game wounded by persons of disability: A non-disabled companion may accompany a disabled hunter and kill any animal wounded by the disabled hunter. The companion must immediately attach the disabled hunter's tag to the carcass of the animal. PROVIDED, the non-disabled companion shall not possess a loaded gun in, or shoot from, a motor vehicle.

(4) Tagging of animals killed by a disabled hunter: A non-disabled companion may cut, notch, and affix tags to game animals killed by a disabled hunter.

(5) Shooting from a motor vehicle: A disabled person possessing a Disabled Hunter Permit, issued by the Director, and other necessary licenses may possess a loaded firearm and/or discharge a firearm or other legal hunting device from a motor vehicle; PROVIDED, a loaded gun shall not be allowed in a motor vehicle when such vehicle is in motion or the motor is running; PROVIDED FURTHER, that discharge of a firearm under existing conditions, is otherwise lawful (no prohibition by local ordinance), and the disabled hunter is hunting at time, place, manner, and date when such hunting is not otherwise prohibited, AND the vehicle is motionless, is not standing or parked on or beside the maintained portion of a public road, and its engine has been turned off.

(6) A Disabled Hunter Permit is issued by the Director upon approval of an application submitted by a person meeting the definition in WAC 232-12-827. A disabled hunter must have appropriate licenses, tags, and permits in addition to the Disabled Hunter Permit.

WSR 88-08-087

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-128A-010, 308-128A-020, 308-128A-030, 308-128A-040, 308-128B-010, 308-128B-020, 308-128B-030, 308-128B-050, 308-128B-060, 308-128C-040, 308-128C-050, 308-128D-010, 308-128D-020, 308-128D-030, 308-128D-040, 308-128D-060, 308-128D-070, 308-128F-010, 308-128F-020, 308-128F-040, 308-128F-050, 308-128F-070; new sections WAC 308-128B-090, 308-128D-080, 308-128E-011; and repealing WAC 308-128B-040, 308-128C-010, 308-128E-010 and 308-128F-030;

that the agency will at 9:00 a.m., Wednesday, May 11, 1988, in the 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 18.44.320.

The specific statute these rules are intended to implement is RCW 18.44.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

Dated: April 6, 1988

By: Joyce R. Dolliver
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section and Chapter: WAC 308-128A-010 Promulgation—Authority; 308-128A-020 Organization; 308-128A-030 Meetings; 308-128A-040 Definitions; 308-128B-010 Credit and character report; 308-128B-020 Fingerprint identification; 308-128B-030 Notice required of intention to take examination; 308-128B-050 Successful applicants must apply for license; 308-128B-060 Inactive escrow officer license; 308-128B-090 Dishonored checks and insufficient payment of fees; 308-128B-040 License expiration—Renewal; 308-128C-040 Change of office location; 308-128C-050 Deceptive names prohibited; 308-128C-010 Prevention of the same or deceptively similar escrow agent firm names; 308-128D-010 Designated escrow officer responsibilities; 308-128D-020 Required records; 308-128D-030 Accuracy and accessibility of records; 308-128D-040 Agreements and closings; 308-128D-060 Disbursement of funds; 308-128D-070 Suit or complaint notification; 308-128D-080 Escrow licensees' responsibilities; 308-128E-011 Administration of funds held in trust; 308-128E-010 Administration of trust accounts; 308-128F-010 Bond; 308-128F-020 Errors and omissions policy; 308-128F-040 Return of cash deposit or securities; 308-128F-050 Claim on cash deposit or securities; 308-128F-070 Cancellation of errors and omissions policy, new policy required; and 308-128F-030 Deductible amount.

Statutory Authority and Specific Statute that the Rules are Intended to Implement: RCW 18.44.320.

Summary of Rules and Reasons Supporting the Rules: The following rules are housekeeping changes: WAC 308-128A-010, 308-128A-020, 308-128A-030, 308-128A-040, 308-128B-010, 308-128B-020, 308-128B-030, 308-128B-050, 308-128B-060, 308-128B-040, 308-128C-040, 308-128C-050, 308-128C-010, 308-128D-010, 308-128D-030, 308-128E-010, 308-128F-010, 308-128F-020, 308-128F-040, and 308-128F-030; WAC 308-128B-090 provides notice to licensees and applicants that payment of a required fee to the department by a dishonored check or insufficient funds will result in the department not completing the license transaction for which the dishonored check or insufficient payment was tendered; WAC 308-128D-020 requires escrow records to identify the transaction to which those records pertain and includes escrow instructions as records which must be maintained by the escrow agent; WAC 308-128D-040 allows an escrow agent to modify the escrow instructions only upon agreement of all of the principals and the escrow agent and obtain original signatures of the principals on either the preliminary or final closing statement; WAC 308-128D-060 permits the escrow agent to interplead disputed funds under chapter 4.08 RCW; WAC 308-128D-070 requires an escrow officer as well as the escrow agent to

notify the department if a suit has been filed against the escrow officer or escrow agent in which the subject of the suit involves the escrow or business activity of the officer, agent, or employees of the agent or officer; WAC 308-128D-080 establishes escrow licensees' responsibilities as including knowledge of the rules regulating the profession, keeping the department informed of his or her current home address, and accessibility of escrow records to the department's representations; WAC 308-128E-011 clarifies the requirements for maintaining and administering trust accounts; WAC 308-128F-050 provides for payment from the cash deposit or securities deposited in lieu of errors and omissions policy only upon delivery of a certified copy of a judgment from a court of competent jurisdiction instead of having the department adjudicate the claim; and WAC 308-128F-070 includes the cancellation of the fidelity bond in this section so if the agent fails to maintain either the errors and omissions policy or the fidelity bond, the agent may not continue to conduct escrow activities.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Theresa Anna Aragon, Director, Department of Licensing, Fourth Floor, Highways-Licenses Building, Olympia, WA 98504, 234-5029 scan, 753-5029 comm; Bob Van Schoorl, Assistant Director, Business and Professions, First Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-2241 scan, 753-2241 comm; and Bob Mitchell, Assistant Program Manager, Professional Program Management Division, Fourth Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 321-4681 scan, 586-4681 comm.

Name of Person or Organization that is Proposing These Rules: Department of Licensing.

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

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

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

The department has reviewed the impact that the adoption of these rules would have on escrow agents and escrow officers. Escrow agents and escrow officers are most appropriately classed in SIC Code 6531. They account for less than 10 percent of the firms and individuals in this area. They are less than 20 percent of all firms and individuals in all industries. Cost for small business is estimated to be zero. Any impact that these proposed rules may have is intended to fall equally on all escrow agents and escrow officers.

Chapter 308-128A WAC
ESCROW—ORGANIZATION AND ADMINISTRATION

WAC	
308-128A-010	Promulgation—Authority.
308-128A-020	Organization.
308-128A-030	Meeting((s)) notice.
308-128A-040	Definitions.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128A-010 PROMULGATION—AUTHORITY. The director of the department of licensing, state of Washington, pursuant to the authority vested by chapter 18.44 RCW, does hereby promulgate the following rules and regulations relating to the ~~((certificating))~~ registration of escrow agents and licensing of escrow officers.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128A-020 ORGANIZATION. The real estate ~~((division))~~ /escrow program management of the business and professions administration of the department of licensing administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director of the department of licensing and ~~((four))~~ five board members, appointed by the governor, approve examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. Information regarding escrow licenses, the escrow commission or the real estate ~~((division))~~ /escrow program management may be obtained by writing to the ~~((Administrator))~~ Program Manager, Real Estate ((Division)) /Escrow Program Management, Department of Licensing, P.O. Box ((247)) 9012, Olympia, Washington 98504.

The ~~((principal))~~ office of the real estate ~~((division))~~ /escrow program management is located ~~((on the Third Floor, Highways-Licenses Building))~~ at 1300 Quince Street, Olympia, Washington. ~~((The division maintains a Seattle office at the Department of Licensing Examining Station, 320 North 85th Street, Seattle, Washington 98103.))~~

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128A-030 MEETING((S)) NOTICE. ~~((The escrow commission shall meet at the call of the director.))~~ Individuals desiring to be informed as to date, time, place and agenda of the meetings must make a written request to the ~~((administrator))~~ program manager of ~~((the))~~ real estate ~~((division))~~ /escrow program management.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128A-040 DEFINITIONS. (1) The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

(2) "Closing" means the transfer of title of real or personal property or execution of a real estate ~~((or chattel))~~ contract whichever event occurs first.

(3) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.

(4) "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

(5) "Securities" means any stock, treasury bill, bond, debenture or collateral-trust certificate tendered in lieu of an errors and omissions policy. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-010 CREDIT AND CHARACTER REPORT. Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer, shall, as an integral part of the application, supply the director with satisfactory proof of applicant's character and credit rating. Such proof shall be obtained and provided by a recognized credit reporting agency ~~((credit bureau))~~ in a form approved by the ~~((real estate division))~~ department.

Any person making application for an escrow agent certificate of registration shall, as an integral part of the application, supply the director with satisfactory proof of character and credit rating for the natural person making the application, principal officers, designated escrow officer, controlling persons and partners. Such proof shall be obtained and provided by a recognized credit reporting agency (~~((credit bureau))~~) in a form approved by the ~~((real estate division))~~ department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-020 FINGERPRINT IDENTIFICATION. (1) Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, ~~((supply the director with))~~ submit fingerprint identification on a form provided by the ~~((real estate division))~~ department.

(2) Any person making application for an escrow agent certificate of registration who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, ~~((supply the director with))~~ submit fingerprint identification of the natural person making the application, principal officers, designated escrow officer and partners for those persons who have been convicted of a felony or misdemeanor within ten years of application on a form provided by the ~~((real estate division))~~ department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-030 NOTICE REQUIRED OF INTENTION TO TAKE EXAMINATION. Any person desiring to take an examination for an escrow officer license must file a completed application together with the correct fee, and supporting documents with the ~~((office of the director of licensing))~~ department. Dishonored checks will be considered as an incomplete application. The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for ~~((notice of eligibility))~~ submission of a completed application for any specific examination is available upon request. An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the ~~((real estate division))~~ department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-050 SUCCESSFUL APPLICANTS MUST APPLY FOR LICENSE. Any person who has passed the examination for escrow officer must apply to become licensed within one year from the date of such examination in order to be eligible for such license. Failure to comply with this provision will necessitate the taking and passing of another examination ~~((-PROVIDED, That any person who has passed the examination for escrow officer prior to September 21, 1977, must apply to become licensed by September 21, 1978. An application for license must be received by the real estate division within the eligibility period))~~.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-060 INACTIVE ESCROW OFFICER LICENSE. Any escrow officer license, not otherwise revoked or cancelled, shall be placed on an inactive status at any time it is delivered to the ~~((director))~~ department. An inactive license may be renewed over a period of three consecutive years from the date of inactive status on the same terms and conditions as an active license.

On the termination of three consecutive years from the date of inactive status the license shall be cancelled. Any subsequent application will necessitate the taking and passing of another examination. No refund shall be made of the unexpended renewal fee.

~~((Any escrow officer license not on an active status as of September 21, 1977, and for which the renewal fee has not been paid may be placed on an inactive status by making application within one year to the real estate division and payment of the renewal fee then in default. The renewal fee shall include fifty dollars for the period remaining to December 31, 1977, which date shall be the annual renewal date. Such~~

~~renewed license shall be considered to have been on an inactive status commencing September 21, 1977.))~~

NEW SECTION

WAC 308-128B-090 DISHONORED CHECKS AND INSUFFICIENT PAYMENT OF FEES. Payment of any fee required under chapter 18.44 RCW by a check which is dishonored, or is an insufficient payment, shall be considered a nonpayment and the license action for which the dishonored check, or insufficient payment, was tendered shall not be completed by the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128B-040 LICENSE EXPIRATION—RENEWAL.

AMENDATORY SECTION (AMENDING ORDER RE 122, FILED 9/21/77)

WAC 308-128C-040 CHANGE OF OFFICE LOCATION. The escrow agent shall notify the ~~((director))~~ department of any change of location or mailing address of the agent's office prior to engaging in business at the new location or address. Notification shall be made by filing a change of address application with the ~~((real estate division))~~ department, accompanied by all licenses issued to the former address or location, and all applicable fees.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128C-050 DECEPTIVE NAMES PROHIBITED. An escrow agent shall not be issued a certificate nor advertise in any manner using names or trade styles which are similar to currently issued certificates or imply that the agent is a nonprofit organization, research organization, public bureau or public group, or which uses or makes reference to the existence of financial responsibility. A bona fide franchisee may be issued a certificate using the name of the franchisor with the firm name of the franchisee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128C-010 PREVENTION OF THE SAME OR DECEPTIVELY SIMILAR ESCROW AGENT FIRM NAMES.

NEW SECTION

WAC 308-128E-011 ADMINISTRATION OF FUNDS HELD IN TRUST. The escrow agent shall be responsible for all funds received from any principal or any party to an escrow transaction or escrow collection account and shall hold the funds in trust for the purposes of the transaction or agreement and shall not utilize such funds for the benefit of the agent or any person not entitled to such benefit. The escrow agent shall establish a trust bank account in a recognized Washington state depository. The escrow agent is responsible for depositing, holding, disbursing, and accounting for funds in trust as provided herein.

(1) The trust bank account shall be designated as a trust account in the name of the escrow agent as certified. Trust bank accounts shall be noninterest bearing demand deposit accounts except as follows:

(a) Interest-bearing trust bank accounts or dividend earning investment accounts containing funds pertaining to an individual escrow transaction or escrow collection account may be established by the agent if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an owner, vendor, lessor, etc., involving escrow collections may be established by the agent when directed by written agreement or directive signed by the principals: PROVIDED, That all interest or earnings shall accrue to the principals as directed in the agreement.

(2) The agent shall establish and maintain a system of records and procedures as provided in this section. Any alternative records or procedures proposed for use by the escrow agent shall be approved in advance by the department.

(3) The agent is responsible for the disbursement of all funds received and held in trust, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the agents behalf.

(4) All funds received for any reason pertaining to an escrow transaction or collection account shall be deposited in the escrow agents trust bank account(s) not later than the first banking day following receipt thereof except funds owned exclusively by the agent.

(5) All funds received shall be identified by the day received and by the amount, source, and purpose on either a cash receipts journal or duplicate receipt which shall be retained as a permanent record.

(6) All deposits to the trust bank account shall be documented by a duplicate bank deposit slip, validated by bank imprint or attached deposit receipt which shall bear the signature of the authorized representative of the agent indicating that the funds were actually deposited into the proper trust bank account. Receipt of funds by wire transfer are to be posted in the same manner as other receipts and there shall be a traceable identifying name or number supplied by the financial institution or transferring entity. The agent must also make arrangements for a follow-up "hard copy" receipt for the deposit.

(7) An individual client's ledger sheet shall be established and maintained for each escrow transaction for which funds are received in trust and to which all receipts and disbursements shall be posted.

(a) Credit entries must show the date of deposit or wire transfer, amount, and item covered.

(b) Debit entries must show the date of check, check number, amount of check, name of payee, and item covered.

(8) The trust bank account(s) must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register must equal the total liability to clients and the trust bank account statement.

(9) The agent shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account. Such reconciliations are to be retained as permanent records.

(10) All disbursement of trust funds shall be made by check, drawn on the trust bank account, and identified on the check as pertaining to a specific escrow transaction or collection account. The number of each check, amount, date, payee, item covered, and the specific client's ledger sheet debited must be shown in the cash register or cash disbursement journal and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipt until the deposit has been verified.

(b) The escrow agent must make arrangements with the financial institution in which the trust bank account is located to provide a follow-up "hard copy" debit memo when funds are disbursed via wire transfer.

(c) The escrow agent shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12)(a) A separate check shall be drawn on the trust bank account payable to the escrow agent as certified, for each escrow fee earned as set forth in the escrow instructions or settlement statement upon the closing of the escrow transaction. Each check for escrow fees shall be identified to the transaction to which it applies.

(b) Collection account fees may be withdrawn by a single check provided such check is supported by a schedule of fees identified to each individual account. Such fees shall be withdrawn at least once monthly or as provided in the collection contract agreement if the fees are payable for a greater term than monthly.

(13) No deposits to the trust bank accounts shall be made of funds that do not pertain to an escrow transaction or not received in connection with an escrow collection account, or that belong to the agent, including fees to "open" the bank account or to keep the account from being closed.

(14) No disbursement from the trust bank account shall be made:

(a) For items not pertaining to a specific escrow transaction or escrow collection account;

(b) In advance of the closing of an escrow transaction, or before the happening of a condition set forth in the escrow instructions, to any person or for any reason without a written release from all principals of the escrow transaction or collection account, except that if the earnest money agreement terminates according to its own terms prior to closing, disbursement of earnest money funds shall be made as provided by the earnest money agreement without a written release;

(c) Pertaining to a specific escrow transaction or collection account in excess of the actual amount held in the trust bank account in connection with such account;

(d) In payment of a fee owed to any employee of an agent or in payment of any business expense of the agent. Payment of fees to employees of an agent or of any business expense of the agent shall be paid from the regular business bank account of the agent;

(e) For bank charges of any nature. Arrangements must be made with the bank to have any such charges applicable to the trust bank accounts charged to the regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the agents regular business bank account;

(f) For preauthorization of payments by the financial institution for recurring expenses such as mortgage payments on behalf of the owner if the account contains tenant security deposits or funds belonging to more than one client;

(g) Of funds received as a damage or security deposit involving a lease or rental contract, to the property owner or to any person(s) without the written authority of the lessee. Such funds are to be held until the end of the tenancy when they are to be disbursed to the person(s) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

(15) The provisions of this section are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files;

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record;

(c) The escrow agent will maintain a printed, dated source document file to support any changes to existing accounting records;

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier (printer). The program may assign suffixes or subaccount codes before or after the check number for identification purposes;

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer;

(f) All checks written must be included within the computer accounting system.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128E-010 ADMINISTRATION OF TRUST ACCOUNTS.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-010 DESIGNATED ESCROW OFFICER RESPONSIBILITIES. The designated escrow officer shall be responsible for the custody, safety, and correctness of entries of all required escrow records. The escrow officer retains this responsibility even though another person or persons may be assigned by the escrow officer the duties of preparation, custody, recording or disbursing.

The branch escrow officer shall bear responsibilities for the custody, safety and correctness of entries of all transactions at the branch office.

Prior to issuing a new certificate reflecting a change of the designated escrow officer of a registered escrow agent, the agent must submit evidence that the responsibility for preexisting escrows is transferred to the incoming designated escrow officer. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated escrow officer and the incoming designated escrow officer, listing all outstanding

trust liabilities and certifying that funds in hand in the trust account maintained by the agent are adequate to meet all such trust liabilities.

(2) An audit, performed at the request of, and at the expense of, the escrow agent by the audit staff of the (~~real estate division~~) department. The incoming designated escrow officer shall not be deemed responsible for any discrepancy identified during such audit.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-020 REQUIRED RECORDS. Escrow agents shall be required to keep the following transaction records as a minimum; and all records except the reconciled bank statements, shall identify the transaction to which they pertain:

- (1) Trust account records.
- (a) Duplicate receipt book recording all receipts;
- (b) Duplicated checks with check register or check stubs;
- (c) Duplicate bank deposit slips, either validated by the bank or bearing the signature of the designated escrow officer and the date of actual deposit;
- (d) Client's ledger containing an individual ledger sheet for each transaction((;

~~(e) Reconciled bank statements and cancelled checks for all bank accounts~~); PROVIDED HOWEVER, That for computerized record systems, an individual ledger sheet need not be maintained in the transaction files until the closing of the transaction if the computer records demonstrate on a daily basis the status of the transaction funds.

- (2) Other records.
 - (a) A transaction file shall be maintained to contain all agreements, contracts, documents, leases, escrow instructions, closing statements and correspondence for each transaction;
 - (b) Reconciled bank statements and cancelled checks for all bank accounts of the escrow agent.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-030 ACCURACY AND ACCESSIBILITY OF RECORDS. All records shall be accurate, posted and kept up to date. All records shall be kept at an address where the escrow agent is licensed to maintain an escrow office. Such records shall be retained and available for inspection by the (~~director or the director's authorized representative~~) department for a minimum of six years: PROVIDED, HOWEVER, That records of transactions closed or completed for two years or more may be stored at a remote location. If the records are stored at a remote location, the records shall be available upon demand of the department and maintained in a manner to be readily retrievable.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-040 AGREEMENTS AND CLOSINGS. The escrow agent shall be responsible for the effecting and closing of escrow agreements between the principal parties. The agent shall as a minimum:

(1) Prepare an instrument of escrow instructions (~~between~~) among each principal and the agent based upon a written agreement of the principals. The escrow instructions shall not be modified except by written agreement of the principals and the agent.

(2) Require an addendum to the purchase agreement for any and all material changes in the terms of the transaction, including but not limited to, changes in the financing of the transaction.

(3) Provide the services and perform all acts pursuant to the escrow instructions.

~~((3))~~ (4) Provide a complete detailed closing statement as it applies to each principal at the time the transaction is closed. The agent shall retain a copy of all closing statements, even though funds are not handled by the agent, in the transaction file. The closing statements shall show:

- (a) The date of closing.
- (b) The total purchase price.
- (c) An itemization of all adjustments, monies or things of value received or paid.
- (d) To whom each item is debited and/or credited.
- (e) Date each adjustment was made.
- (f) Names of payees, makers and assignees of all notes paid, made or assumed.

(g) Pay the net proceeds of sale directly to the seller unless otherwise provided in writing by the seller or a court of competent jurisdiction.

(h) Obtain original signatures of the principals on either the preliminary or final closing statement and maintain a copy of the signed closing statement in the transaction file.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-060 DISBURSEMENT OF FUNDS. Disbursement of any money or other items in violation of the trust or before the happening of the conditions of the escrow agreement or escrow instructions is a violation of RCW 18.44.260(5). If the ownership of the funds are in dispute, the escrow agent may interplead the funds into a court of competent jurisdiction pursuant to chapter 4.08 RCW.

Funds and other items or documents must be paid and/or disbursed immediately upon closing of the transaction or as specifically agreed to in writing by the principals: PROVIDED, That disbursement of funds may be withheld to allow for checks to clear.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-070 SUIT OR COMPLAINT NOTIFICATION. Every (~~certificated~~) escrow agent and escrow officer shall, within twenty days after service or knowledge thereof, notify the (~~administrator of the real estate division~~) department of any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the agent, escrow officer, or employee thereof is named as a defendant; and in which the subject matter involves any escrow or business activity of the defendants therein named.

NEW SECTION

WAC 308-128D-080 ESCROW LICENSEES' RESPONSIBILITIES. (1) It is the responsibility of every licensee to be knowledgeable of and keep current with the rules implementing chapter 18.44 RCW.

(2) It is the responsibility of every licensee to keep the department informed of his or her current home address.

(3) It is the licensee's responsibility to ensure accessibility of their offices and records to representatives of the department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128F-010 BOND. Each certificated escrow agent shall obtain and keep in effect a bond in an aggregate minimum amount of \$200,000 providing fidelity coverage on all corporate officers, escrow officers, partners, and employees engaged in escrow transactions. Such bond shall be structured to provide coverage for the total amount of all claims up to an aggregate minimum of \$200,000.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-020 ERRORS AND OMISSIONS POLICY. Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy providing coverage in the minimum aggregate amount of \$50,000 or, alternatively, cash deposit or securities in the principal amount of \$50,000. Securities used in alternative to an errors and omissions policy shall be physically delivered to the director, department of licensing, for the purpose of fulfilling the requirements of chapter 18.44 RCW and these rules. Securities which are stocks or other interest in the registered escrow agency are not acceptable securities for the purposes of fulfilling the requirements of chapter 18.44 RCW and these rules.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-040 RETURN OF CASH DEPOSIT OR SECURITIES. (1) The cash deposit or securities shall be returned to the escrow agent (~~one calendar year after~~) upon the date of expiration, cancellation, or revocation of the escrow agent's certificate of registration: PROVIDED, That the director may hold the cash deposit or securities for a longer period in order to satisfy any actions commenced under WAC 308-128F-050 prior to the expiration ((of this one year

period)), cancellation, or revocation of the escrow agents certificate of registration.

(2) The cash deposit or securities shall be returned to an applicant within thirty days of the director's denial of an initial application for an escrow agent's certificate of registration.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-050 CLAIM ON CASH DEPOSIT OR SECURITIES. (1) Upon receipt of notification of a legal action for which notice is required to be given to the ((administrator of the real estate division)) department under WAC 308-128D-070 ((in which the amount of the claim exceeds \$2000)), the ((administrator of the real estate division)) department shall ((attempt to)) notify the complaining party of the existence of any cash deposit or securities and the provisions of this chapter.

(2) ((Any)) A claim against the cash deposit or securities shall be ((commenced by serving and filing the claim with the director. Within ten days of service of claim, the director shall serve a copy of the claim on the escrow agent by certified mail, return receipt requested, addressed to the last known address of the escrow agent as reflected in the department files)) in the form of certified copy of a final judgment from a court of competent jurisdiction. Upon receipt of a claim, the department shall release the cash deposit or securities sufficient to pay the final judgment.

(3) ((The director or the director's designee shall hear and decide the claim. The claim shall be heard as a contested case under chapter 34.04 RCW between the claimant and the escrow agent. However, there is no right to appeal the decision of the director or the director's designee to superior court)) The department shall notify the agent of the receipt of the claim and advise the agent that the agent must deposit cash or securities with the department to maintain the principal amount of \$50,000 after payment of the claim.

((4) The escrow agent shall appear and defend the cash deposit or securities from the claim. Should the escrow agent fail to appear and defend, the claimant shall be awarded the amount of the claim from the cash deposit or securities.

(5) An award from the cash deposit or securities may be made only for harm suffered by the claimant from the actions or nonactions of an escrow agent, escrow officer, or the employee or agent of either.)

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-070 CANCELLATION OF ERRORS AND OMISSIONS POLICY, NEW POLICY REQUIRED. In the event of cancellation or expiration of an errors and omissions policy or fidelity bond, the escrow agent shall file a new policy or bond. Failure to file a new policy or bond shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration. During the time the escrow agent does not have an errors and omissions policy or fidelity bond coverage in effect, the escrow agent may not transact business pursuant to RCW 18.44.050.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128F-030 DEDUCTIBLE AMOUNT.

WSR 88-08-088
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Massage)
[Filed April 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Massage intends to adopt, amend, or repeal rules concerning new sections WAC 308-51A-010, 308-51A-020, 308-51A-030, 308-51A-040, 308-51A-050 and 308-51A-060;

that the agency will at 10:00 a.m., Wednesday, May 18, 1988, in the West Coast Sea-Tac Hotel, Cascade Room, 18200 Pacific Highway South, Seattle, WA 98118, 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 18.108.025.

The specific statute these rules are intended to implement is RCW 18.108.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 20, 1988.

Dated: April 4, 1988
By: Robert A. Van Schoorl
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Massage.

Title: New WAC 308-51A-010 Definitions; 308-51A-020 Approval of school, program, or apprenticeship program; 308-51A-030 Scope and purpose; 308-51A-040 Training; 308-51A-050 Curriculum—Academic standards—Faculty—Student clinic; and 308-51A-060 Health, sanitation, and facility standards.

Description of Purpose: To add new sections outlining the educational requirements and designating those schools, programs, and apprenticeship programs from which graduation will be accepted as proof of an applicant's eligibility to take the massage licensing examination.

Statutory Authority: RCW 18.108.025.

Summary of Rules: WAC 308-51A-010 through 308-51A-060 are proposed to define the terms used in outlining the educational requirements for schools and programs, and to provide the requirements that candidates successfully graduating from schools, programs, and apprenticeship programs must meet in order to be accepted for eligibility to take the massage licensing examination.

Responsible Personnel: In addition to the Board of Massage, the following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing these rules: Patti Rathbun, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, Washington 98504-8001, (206) 753-3199 comm, (206) 234-3199 scan.

Proponents: The Washington State Board of Massage.

Federal Law or Federal or State Court Requirements: The proposed rules are not necessitated as the result of federal or state court action.

Small Business Economic Statement: Not required and not provided in that these rules do not impact small business as that term was defined by RCW 19.85.020.

Chapter 308-51A WAC
EDUCATION

WAC	
308-51A-010	Definitions.
308-51A-020	Approval of school, program, or apprenticeship program.
308-51A-030	Scope and purpose.

- 308-51A-040 Training.
 308-51A-050 Curriculum—Academic standards—Faculty—Student clinic.
 308-51A-060 Health, sanitation, and facility standards.

NEW SECTION

WAC 308-51A-010 DEFINITIONS. For the purpose of administering chapter 18.108 RCW, the following terms shall be considered in the following manner:

(1) A massage school is an institution which has the sole purpose of offering training in massage therapy.

(2) A massage program is training in massage therapy offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(3) An apprentice is defined, for purposes of this chapter, as one who has successfully completed:

(a) One hundred thirty hours of instruction in anatomy, physiology, and kinesiology including palpation, range of motion and physics of joint function. There must be a minimum of forty hours of kinesiology.

(b) Fifty hours of instruction in pathology, including indications and contraindications to massage therapy and palpations.

(c) Certification in American Red Cross first aid and American Heart Association CPR or the equivalent. The above courses must be successfully completed within five years immediately preceding entry into an apprenticeship agreement. The apprentice then shall receive complete training in:

(i) Hydrotherapy (fifteen hours);

(ii) Theory and practice of massage therapy (two hundred fifty hours); and

(iii) Clinical practices (fifty-five hours). This training shall be completed in no less than six months or longer than two years from the date of entry into an apprenticeship program.

(4) A massage apprenticeship is training in massage therapy which is offered by a qualified massage practitioner to an apprentice on the basis of an apprenticeship agreement between the massage practitioner and the apprentice. Such agreement shall comply with the educational standards as set forth in this chapter. A qualified massage practitioner is defined as a person that shall have not less than three years full-time experience in the practice of massage immediately preceding the function as an apprenticeship trainer of massage therapy in an apprenticeship agreement and shall be licensed under this chapter and currently engaged in the practice of massage. An apprenticeship is of limited duration and must be completed within two years from the time the parties to the apprenticeship agreement have entered into such agreement.

Hereinafter, qualified massage practitioner is referred to as apprenticeship trainer, and apprenticeship program is referred to as program.

NEW SECTION

WAC 308-51A-020 APPROVAL OF SCHOOL, PROGRAM, OR APPRENTICESHIP PROGRAM. The board may accept proof of AMTA, (American Massage Therapy Association), approval of a school or program in lieu of the requirements contained in this chapter. Approval in this manner may be requested on a form provided by the department. The board will consider for approval any school, program, or apprenticeship program which meets the requirements as outlined in this chapter.

(1) Approval of any other school or program may be requested on a form provided by the department.

(2) Application for approval of a school or program, shall be made by the authorized representative of the school or the administrator of the apprenticeship agreement.

(3) The authorized representative of the school or the administrator of the apprenticeship program may request approval of the school or program, as of the date of the application or retroactively to a specified date.

(4) The application for approval of a school or program shall include, but not be limited to, documentation required by the board pertaining to: Syllabus, qualifications of instructors, facilities, outline of curriculum plan specifying all subjects and length in hours such subjects are taught, class objectives, and a sample copy of one of each of the following exams: Anatomy, physiology, and massage therapy.

(5) Any school or program that is required to be licensed by private vocational education (see chapter 28C.10 RCW or Title 28B RCW),

or any other statute, must complete these requirements before being considered by the board for approval.

(6) The board will evaluate the application and, if necessary, conduct a site inspection of the school or program, prior to granting approval by the board.

(7) Upon completion of the evaluation of the application, the board may grant or deny approval or grant approval conditioned upon appropriate modification to the application.

(8) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant's school or program may request a review within thirty days of the board's adverse decision/action. Should a request for review of an adverse action be made after thirty days following the board's action, the contesting party may obtain review only by submitting a new application.

(9) The authorized representative of an approved school or program or the administrator of an apprenticeship agreement shall notify the board of significant changes with respect to information provided on the application within sixty days.

(10) The board may inspect or review an approved school or program at reasonable intervals for compliance. Approval may be withdrawn if the board finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(11) The authorized representative of a school or administrator of an agreement must immediately correct the deficiencies which resulted in withdrawal of the board's approval.

NEW SECTION

WAC 308-51A-030 SCOPE AND PURPOSE. (1) The minimum educational requirements for licensure to practice massage therapy in Washington is successful completion of a course of study from a massage school or program approved by the board.

(2) The purpose of this chapter is to provide a set of standards and procedures by which massage schools or programs may obtain approval by the board in order that graduates of those schools or programs may be permitted to take examinations for licensure.

NEW SECTION

WAC 308-51A-040 TRAINING. The training in massage therapy shall consist of a minimum of five hundred hours. An hour of training is defined as fifty minutes of actual instructional time. Certification in American Red Cross first aid and American Heart Association CPR or the equivalent shall be required. This requirement is in addition to the five hundred hours of training in massage therapy. These five hundred hours shall consist of the following:

(1) One hundred thirty hours of anatomy, physiology, and kinesiology including palpation, range of motion, and physics of joint function. There must be a minimum of forty hours of kinesiology.

(2) Fifty hours of pathology including indications and contraindications to massage therapy and palpations.

(3) Two hundred fifty hours of theory and practice of massage therapy, at a minimum to include Swedish and deep tissue techniques, remedial gymnastics, body mechanics of the practitioner, and medical treatments. A maximum of fifty of these hours may include time spent in a student clinic.

(4) Fifteen hours of hydrotherapy.

(5) Fifty-five hours of clinical practices, at a minimum to include hygiene, recordkeeping, medical terminology, professional ethics, business management, human behavior, client interaction, and state and local laws.

NEW SECTION

WAC 308-51A-050 CURRICULUM—ACADEMIC STANDARDS—FACULTY—STUDENT CLINIC. (1) The curriculum of the school or program shall be designed and presented to meet or exceed the requirement of five hundred hours.

(2) Academic standards. The school or apprenticeship trainer shall regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(3) Faculty. Apprenticeship trainers and faculty members shall be qualified by training and experience to give effective instruction in the

subject(s) taught. The apprenticeship trainer and faculty should develop and evaluate the curriculum instructional methods and facilities; student discipline, welfare, and counseling; assist in the establishment of administrative and educational policies, and scholarly and professional growth. Schools or programs shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty.

(4) Student clinic (optional program). The clinical facilities shall be adequate in size, number, and resources to provide for student practice of massage therapy on the general public. There shall be properly equipped rooms for consultations, massage therapy, and equipment as required in the practice of massage. A faculty member who is a licensed massage practitioner and adequately experienced in massage therapy must be present in the clinic at all times the clinic is open and in direct supervision of, and have final decision in, the massage therapy which is rendered to clients by students.

NEW SECTION

WAC 308-51A-060 HEALTH, SANITATION, AND FACILITY STANDARDS. All programs will have adequate facilities and equipment available for students learning massage therapy. All facility equipment will be maintained in accordance with local rules and ordinances in addition to those imposed by chapter 308-51 WAC. Instructional and practice equipment shall be similar to that found in common occupational practice. An adequate reference library, appropriate to the subjects being taught, shall be available.

WSR 88-08-089

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 88-02—Filed April 6, 1988]

I, Phillip C. Johnson, deputy director of programs, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Grays Harbor County, amending WAC 173-19-220.

This action is taken pursuant to Notice No. WSR 88-03-069 filed with the code reviser on January 20, 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 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 5, 1988.

By Phillip C. Johnson
Deputy Director of Programs

AMENDATORY SECTION (Amending Order DE 87-25, filed 8/21/87 [8/26/87])

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. Revision approved April 5, 1988.

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

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 = Re-adoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-28-020	REP	88-05-003	16-228-520	NEW-E	88-07-033	16-232-130	REP-P	88-06-071
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16-86-030	AMD	88-05-003	16-231-225	AMD	88-05-033	16-316-525	AMD-P	88-07-114
16-86-095	AMD	88-05-003	16-231-240	REP-P	88-06-071	16-316-717	AMD-P	88-07-114
16-156-001	NEW-P	88-04-073	16-231-240	REP-E	88-07-038	16-316-719	AMD-P	88-07-114
16-156-001	NEW	88-07-024	16-231-345	REP-P	88-06-071	16-316-724	AMD-P	88-07-114
16-156-005	NEW-P	88-04-073	16-231-345	REP-E	88-07-038	16-316-727	AMD-P	88-07-114
16-156-005	NEW	88-07-024	16-231-430	REP-P	88-06-071	16-316-800	AMD-P	88-07-114
16-156-010	NEW-P	88-04-073	16-231-430	REP-E	88-07-038	16-316-820	AMD-P	88-07-114
16-156-010	NEW	88-07-024	16-231-535	REP-P	88-06-071	16-316-830	AMD-P	88-07-114
16-156-020	NEW-P	88-04-073	16-231-535	REP-E	88-07-038	16-316-832	AMD-P	88-07-114
16-156-020	NEW	88-07-024	16-231-625	REP-P	88-06-071	16-316-880	AMD-P	88-07-114
16-156-030	NEW-P	88-04-073	16-231-625	REP-E	88-07-038	16-436-100	AMD-P	88-08-071
16-156-030	NEW	88-07-024	16-231-730	REP-P	88-06-071	16-436-110	AMD-P	88-08-071
16-156-040	NEW-P	88-04-073	16-231-730	REP-E	88-07-038	16-436-140	AMD-P	88-08-071
16-156-040	NEW	88-07-024	16-231-845	REP-P	88-06-071	16-436-160	AMD-P	88-08-071
16-156-050	NEW-P	88-04-073	16-231-845	REP-E	88-07-038	16-436-165	NEW-P	88-08-071
16-156-050	NEW	88-07-024	16-231-912	AMD	88-05-033	16-436-170	AMD-P	88-08-071
16-156-060	NEW-P	88-04-073	16-231-940	REP-P	88-06-071	16-436-185	AMD-P	88-08-071
16-156-060	NEW	88-07-024	16-231-940	REP-E	88-07-038	16-436-190	AMD-P	88-08-071
16-228-400	NEW-E	88-07-033	16-231-950	NEW-P	88-06-071	16-436-220	AMD-P	88-08-071
16-228-410	NEW-E	88-07-033	16-231-950	NEW-E	88-07-038	16-495-085	AMD-P	88-07-114
16-228-420	NEW-E	88-07-033	16-232-010	AMD	88-05-033	16-528-210	AMD-P	88-08-061
16-228-430	NEW-E	88-07-033	16-232-015	AMD	88-05-033	16-570-040	NEW-P	88-04-072
16-228-440	NEW-E	88-07-033	16-232-020	AMD	88-05-033	16-570-040	NEW	88-07-071
16-228-450	NEW-E	88-07-033	16-232-025	AMD	88-05-033	16-602-005	NEW-P	88-03-058
16-228-460	NEW-E	88-07-033	16-232-027	NEW	88-05-033	16-602-005	NEW	88-07-018
16-228-470	NEW-E	88-07-033	16-232-035	AMD-P	88-06-071	16-602-010	AMD-P	88-03-058

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-602-010	AMD	88-07-018	98-40-050	AMD	88-07-032	132I-14-140	REP-P	88-03-047
16-602-020	AMD-P	88-03-058	106-116-850	NEW-P	88-07-017	132I-14-140	REP	88-07-119
16-602-020	AMD	88-07-018	106-116-853	NEW-P	88-07-017	132I-14-150	REP-P	88-03-047
16-602-030	AMD-P	88-03-058	106-116-856	NEW-P	88-07-017	132I-14-150	REP	88-07-119
16-602-030	AMD	88-07-018	106-116-859	NEW-P	88-07-017	132I-14-160	REP-P	88-03-047
16-620-240	AMD-P	88-07-096	106-116-901	AMD-P	88-07-017	132I-14-160	REP	88-07-119
16-620-260	AMD-P	88-07-096	113-12-200	AMD-P	88-05-058	132I-14-170	REP-P	88-03-047
16-620-265	REP-P	88-07-096	132E-112-010	REP-P	88-06-020	132I-14-170	REP	88-07-119
16-750-001	NEW-P	88-03-057	132E-112-020	REP-P	88-06-020	132I-14-180	REP-P	88-03-047
16-750-001	NEW-E	88-03-059	132E-112-030	REP-P	88-06-020	132I-14-180	REP	88-07-119
16-750-001	NEW	88-07-016	132E-112-040	REP-P	88-06-020	132I-14-190	REP-P	88-03-047
16-750-005	NEW-P	88-03-057	132E-112-050	REP-P	88-06-020	132I-14-190	REP	88-07-119
16-750-005	NEW-E	88-03-059	132E-112-060	REP-P	88-06-020	132I-14-200	REP-P	88-03-047
16-750-005	NEW	88-07-016	132E-112-070	REP-P	88-06-020	132I-14-200	REP	88-07-119
16-750-010	REP-P	88-03-057	132E-112-080	REP-P	88-06-020	132I-14-210	REP-P	88-03-047
16-750-010	REP-E	88-03-059	132E-112-090	REP-P	88-06-020	132I-14-210	REP	88-07-119
16-750-010	REP	88-07-016	132E-112-100	REP-P	88-06-020	132I-120-010	NEW-P	88-03-048
16-750-011	NEW-P	88-03-057	132E-112-110	REP-P	88-06-020	132I-120-010	NEW	88-07-120
16-750-011	NEW-E	88-03-059	132E-112-120	REP-P	88-06-020	132I-120-020	NEW-P	88-03-048
16-750-011	NEW	88-07-016	132E-112-130	REP-P	88-06-020	132I-120-020	NEW	88-07-120
16-750-015	NEW-P	88-03-057	132E-112-140	REP-P	88-06-020	132I-120-030	NEW-P	88-03-048
16-750-015	NEW-E	88-03-059	132E-112-150	REP-P	88-06-020	132I-120-030	NEW	88-07-120
16-750-015	NEW	88-07-016	132E-112-160	REP-P	88-06-020	132I-120-100	NEW-P	88-03-048
16-750-900	NEW-P	88-03-057	132E-112-170	REP-P	88-06-020	132I-120-100	NEW	88-07-120
16-750-900	NEW-E	88-03-059	132E-112-180	REP-P	88-06-020	132I-120-300	NEW-P	88-03-048
16-750-900	NEW	88-07-016	132E-112-190	REP-P	88-06-020	132I-120-300	NEW	88-07-120
16-752-001	AMD	88-04-044	132E-112-200	REP-P	88-06-020	132I-120-305	NEW-P	88-03-048
16-752-115	NEW	88-04-044	132E-112-210	REP-P	88-06-020	132I-120-305	NEW	88-07-120
16-752-120	NEW	88-04-044	132E-112-220	REP-P	88-06-020	132I-120-310	NEW-P	88-03-048
16-752-125	NEW	88-04-044	132E-112-230	REP-P	88-06-020	132I-120-310	NEW	88-07-120
16-752-130	NEW	88-04-044	132E-124-030	REP-P	88-08-022	132I-120-315	NEW-P	88-03-048
16-752-135	NEW	88-04-044	132E-124-040	REP-P	88-08-022	132I-120-315	NEW	88-07-120
16-752-140	NEW	88-04-044	132E-124-050	REP-P	88-08-022	132I-120-320	NEW-P	88-03-048
16-752-145	NEW	88-04-044	132E-124-060	REP-P	88-08-022	132I-120-320	NEW	88-07-120
16-752-150	NEW	88-04-044	132E-168-010	REP-P	88-08-019	132I-120-325	NEW-P	88-03-048
16-752-155	NEW	88-04-044	132E-168-020	REP-P	88-08-019	132I-120-325	NEW	88-07-120
16-752-160	NEW	88-04-044	132E-168-030	REP-P	88-08-019	132I-120-330	NEW-P	88-03-048
16-752-165	NEW	88-04-044	132E-168-040	REP-P	88-08-019	132I-120-330	NEW	88-07-120
16-752-170	NEW	88-04-044	132E-168-050	REP-P	88-08-019	132I-120-335	NEW-P	88-03-048
16-752-200	NEW	88-04-044	132E-168-060	REP-P	88-08-019	132I-120-335	NEW	88-07-120
16-752-201	NEW	88-04-044	132E-168-070	REP-P	88-08-019	132I-120-340	NEW-P	88-03-048
16-752-202	NEW	88-04-044	132E-168-080	REP-P	88-08-019	132I-120-340	NEW	88-07-120
16-752-203	NEW	88-04-044	132E-168-090	REP-P	88-08-019	132I-120-345	NEW-P	88-03-048
16-752-204	NEW	88-04-044	132E-276-030	AMD-P	88-08-053	132I-120-345	NEW	88-07-120
44-10-040	NEW	88-04-081	132F-120-090	AMD-P	88-03-044	132I-120-400	NEW-P	88-03-048
44-10-050	AMD	88-04-081	132F-120-090	AMD	88-08-069	132I-120-400	NEW	88-07-120
44-10-055	NEW	88-04-081	132H-105-140	AMD-P	88-06-058	132I-120-405	NEW-P	88-03-048
44-10-060	NEW	88-04-081	132H-105-140	AMD-P	88-07-089	132I-120-405	NEW	88-07-120
44-10-070	NEW	88-04-081	132H-200-200	NEW-P	88-04-059	132I-120-410	NEW-P	88-03-048
44-10-080	NEW	88-04-081	132H-200-200	NEW	88-07-036	132I-120-410	NEW	88-07-120
44-10-110	NEW	88-04-081	132H-200-250	NEW-P	88-07-088	132I-120-415	NEW-P	88-03-048
44-10-130	NEW	88-04-081	132I-14-010	REP-P	88-03-047	132I-120-415	NEW	88-07-120
44-10-160	NEW	88-04-081	132I-14-010	REP	88-07-119	132I-120-420	NEW-P	88-03-048
44-10-165	NEW-P	88-04-078	132I-14-020	REP-P	88-03-047	132I-120-420	NEW	88-07-120
44-10-165	NEW-E	88-04-079	132I-14-020	REP	88-07-119	132I-120-425	NEW-P	88-03-048
44-10-180	NEW	88-04-081	132I-14-030	REP-P	88-03-047	132I-120-425	NEW	88-07-120
44-10-200	NEW	88-04-081	132I-14-030	REP	88-07-119	132I-120-430	NEW-P	88-03-048
44-10-210	NEW	88-04-081	132I-14-040	REP-P	88-03-047	132I-120-430	NEW	88-07-120
44-10-215	NEW-P	88-03-063	132I-14-040	REP	88-07-119	132I-120-435	NEW-P	88-03-048
44-10-215	NEW-E	88-03-064	132I-14-050	REP-P	88-03-047	132I-120-435	NEW	88-07-120
44-10-220	NEW-P	88-03-063	132I-14-050	REP	88-07-119	132I-120-440	NEW-P	88-03-048
44-10-220	NEW-E	88-03-064	132I-14-060	REP-P	88-03-047	132I-120-440	NEW	88-07-120
44-10-230	NEW-P	88-03-063	132I-14-060	REP	88-07-119	132I-120-445	NEW-P	88-03-048
44-10-230	NEW-E	88-03-064	132I-14-070	REP-P	88-03-047	132I-120-445	NEW	88-07-120
44-10-240	NEW-P	88-03-063	132I-14-070	REP	88-07-119	132I-120-500	NEW-P	88-03-048
44-10-240	NEW-E	88-03-064	132I-14-080	REP-P	88-03-047	132I-120-500	NEW	88-07-120
67-10-020	AMD-P	88-04-016	132I-14-080	REP	88-07-119	132I-120-510	NEW-P	88-03-048
67-10-030	AMD-P	88-04-016	132I-14-090	REP-P	88-03-047	132I-120-510	NEW	88-07-120
67-10-040	AMD-P	88-04-016	132I-14-090	REP	88-07-119	132I-120-520	NEW-P	88-03-048
67-10-060	AMD-P	88-04-016	132I-14-100	REP-P	88-03-047	132I-120-520	NEW	88-07-120
67-25-120	AMD-P	88-04-016	132I-14-100	REP	88-07-119	132P-40-001	NEW-P	88-04-024
67-25-400	AMD-P	88-04-016	132I-14-110	REP-P	88-03-047	132T-05-060	AMD-P	88-03-045
67-25-404	AMD-P	88-04-016	132I-14-110	REP	88-07-119	132T-05-060	AMD	88-07-019
67-25-570	AMD-P	88-04-016	132I-14-120	REP-P	88-03-047	132T-128-010	REP-P	88-03-046
98-11-005	NEW-P	88-03-062	132I-14-120	REP	88-07-119	132T-128-010	REP	88-07-020
98-11-005	NEW	88-07-032	132I-14-130	REP-P	88-03-047	132T-128-020	REP-P	88-03-046
98-40-050	AMD-P	88-03-062	132I-14-130	REP	88-07-119	132T-128-020	REP	88-07-020

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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132T-128-030	REP 88-07-020	132U-80-350	REP-P 88-07-029	132U-280-035	NEW-P 88-07-029
132T-128-040	REP-P 88-03-046	132U-80-360	REP-P 88-07-029	132U-300-010	NEW-P 88-07-029
132T-128-040	REP 88-07-020	132U-80-370	REP-P 88-07-029	132U-300-020	NEW-P 88-07-029
132T-128-050	REP-P 88-03-046	132U-104-010	NEW-P 88-07-029	132U-325-010	NEW-P 88-07-029
132T-128-050	REP 88-07-020	132U-104-020	NEW-P 88-07-029	132Y-20-010	REP-P 88-06-023
132T-128-060	REP-P 88-03-046	132U-104-030	NEW-P 88-07-029	132Y-140-001	REP-P 88-06-024
132T-128-060	REP 88-07-020	132U-116-010	NEW-E 88-02-047	132Y-140-101	REP-P 88-06-024
132T-128-070	REP-P 88-03-046	132U-116-010	NEW-P 88-04-070	132Y-140-108	REP-P 88-06-024
132T-128-070	REP 88-07-020	132U-116-010	NEW 88-07-057	132Y-140-112	REP-P 88-06-024
132T-128-080	REP-P 88-03-046	132U-116-020	NEW-E 88-02-047	132Y-140-116	REP-P 88-06-024
132T-128-080	REP 88-07-020	132U-116-020	NEW-P 88-04-070	136-130-060	AMD 88-05-040
132T-128-090	REP-P 88-03-046	132U-116-020	NEW 88-07-057	136-130-070	AMD 88-05-040
132T-128-090	REP 88-07-020	132U-116-030	NEW-E 88-02-047	136-160-050	AMD 88-05-040
132U-04-100	REP-P 88-07-029	132U-116-030	NEW-P 88-04-070	136-160-065	NEW 88-05-040
132U-04-110	REP-P 88-07-029	132U-116-030	NEW 88-07-057	137-60-040	AMD-W 88-04-043
132U-10-100	REP-P 88-07-029	132U-120-010	NEW-P 88-07-029	154-110-010	NEW-P 88-07-104
132U-10-110	REP-P 88-07-029	132U-120-020	NEW-P 88-07-029	154-110-015	NEW-P 88-07-104
132U-10-120	REP-P 88-07-029	132U-120-030	NEW-P 88-07-029	154-110-020	NEW-P 88-07-104
132U-10-130	REP-P 88-07-029	132U-120-040	NEW-P 88-07-029	154-110-030	NEW-P 88-07-104
132U-10-140	REP-P 88-07-029	132U-120-050	NEW-P 88-07-029	154-120-010	NEW-P 88-07-104
132U-10-150	REP-P 88-07-029	132U-120-060	NEW-P 88-07-029	154-120-015	NEW-P 88-07-104
132U-10-160	REP-P 88-07-029	132U-120-070	NEW-P 88-07-029	154-120-020	NEW-P 88-07-104
132U-10-170	REP-P 88-07-029	132U-120-080	NEW-P 88-07-029	154-120-025	NEW-P 88-07-104
132U-10-180	REP-P 88-07-029	132U-120-090	NEW-P 88-07-029	154-120-030	NEW-P 88-07-104
132U-10-190	REP-P 88-07-029	132U-120-100	NEW-P 88-07-029	154-120-035	NEW-P 88-07-104
132U-10-200	REP-P 88-07-029	132U-120-110	NEW-P 88-07-029	154-120-040	NEW-P 88-07-104
132U-10-210	REP-P 88-07-029	132U-120-120	NEW-P 88-07-029	154-120-045	NEW-P 88-07-104
132U-10-220	REP-P 88-07-029	132U-120-130	NEW-P 88-07-029	154-120-050	NEW-P 88-07-104
132U-10-230	REP-P 88-07-029	132U-120-140	NEW-P 88-07-029	154-120-055	NEW-P 88-07-104
132U-10-240	REP-P 88-07-029	132U-120-150	NEW-P 88-07-029	154-130-010	NEW-P 88-07-104
132U-36-010	REP-P 88-07-029	132U-120-160	NEW-P 88-07-029	154-130-020	NEW-P 88-07-104
132U-40-010	REP-P 88-07-029	132U-120-170	NEW-P 88-07-029	154-130-030	NEW-P 88-07-104
132U-40-020	REP-P 88-07-029	132U-120-180	NEW-P 88-07-029	154-140-010	NEW-P 88-07-104
132U-40-030	REP-P 88-07-029	132U-120-190	NEW-P 88-07-029	154-140-020	NEW-P 88-07-104
132U-40-040	REP-P 88-07-029	132U-120-200	NEW-P 88-07-029	154-140-030	NEW-P 88-07-104
132U-40-050	REP-P 88-07-029	132U-120-210	NEW-P 88-07-029	154-150-010	NEW-P 88-07-104
132U-40-060	REP-P 88-07-029	132U-120-220	NEW-P 88-07-029	154-150-020	NEW-P 88-07-104
132U-40-070	REP-P 88-07-029	132U-120-230	NEW-P 88-07-029	154-150-030	NEW-P 88-07-104
132U-40-080	REP-P 88-07-029	132U-120-240	NEW-P 88-07-029	154-150-040	NEW-P 88-07-104
132U-40-090	REP-P 88-07-029	132U-120-250	NEW-P 88-07-029	154-150-050	NEW-P 88-07-104
132U-40-100	REP-P 88-07-029	132U-120-260	NEW-P 88-07-029	154-160-010	NEW-P 88-07-104
132U-40-110	REP-P 88-07-029	132U-120-270	NEW-P 88-07-029	154-160-020	NEW-P 88-07-104
132U-40-120	REP-P 88-07-029	132U-120-280	NEW-P 88-07-029	154-170-010	NEW-P 88-07-104
132U-40-130	REP-P 88-07-029	132U-120-290	NEW-P 88-07-029	154-180-010	NEW-P 88-07-104
132U-40-140	REP-P 88-07-029	132U-120-300	NEW-P 88-07-029	154-180-020	NEW-P 88-07-104
132U-52-010	NEW-E 88-02-047	132U-120-310	NEW-P 88-07-029	154-180-030	NEW-P 88-07-104
132U-52-010	NEW-P 88-04-070	132U-120-320	NEW-P 88-07-029	154-180-040	NEW-P 88-07-104
132U-80-010	REP-P 88-07-029	132U-120-330	NEW-P 88-07-029	154-180-050	NEW-P 88-07-104
132U-80-020	REP-P 88-07-029	132U-122-010	NEW-P 88-07-029	154-180-060	NEW-P 88-07-104
132U-80-030	REP-P 88-07-029	132U-122-020	NEW-P 88-07-029	154-190-010	NEW-P 88-07-104
132U-80-060	REP-P 88-07-029	132U-140-010	NEW-P 88-07-029	154-190-020	NEW-P 88-07-104
132U-80-065	REP-P 88-07-029	132U-140-020	NEW-P 88-07-029	154-200-010	NEW-P 88-07-104
132U-80-070	REP-P 88-07-029	132U-140-030	NEW-P 88-07-029	154-200-020	NEW-P 88-07-104
132U-80-080	REP-P 88-07-029	132U-140-040	NEW-P 88-07-029	154-200-030	NEW-P 88-07-104
132U-80-090	REP-P 88-07-029	132U-140-050	NEW-P 88-07-029	154-200-040	NEW-P 88-07-104
132U-80-100	REP-P 88-07-029	132U-140-060	NEW-P 88-07-029	173-14	AMD-C 88-04-091
132U-80-105	REP-P 88-07-029	132U-140-070	NEW-P 88-07-029	173-14-030	AMD-W 88-07-006
132U-80-110	REP-P 88-07-029	132U-276-100	NEW-P 88-07-029	173-14-060	AMD-W 88-07-006
132U-80-115	REP-P 88-07-029	132U-276-110	NEW-P 88-07-029	173-14-061	NEW-W 88-07-006
132U-80-125	REP-P 88-07-029	132U-276-120	NEW-P 88-07-029	173-18-280	AMD 88-03-070
132U-80-200	REP-P 88-07-029	132U-276-130	NEW-P 88-07-029	173-19-130	AMD 88-07-009
132U-80-205	REP-P 88-07-029	132U-276-140	NEW-P 88-07-029	173-19-220	AMD-P 88-03-069
132U-80-210	REP-P 88-07-029	132U-276-150	NEW-P 88-07-029	173-19-220	AMD-P 88-08-063
132U-80-220	REP-P 88-07-029	132U-276-160	NEW-P 88-07-029	173-19-220	AMD 88-08-089
132U-80-230	REP-P 88-07-029	132U-276-170	NEW-P 88-07-029	173-19-2201	AMD-P 88-08-064
132U-80-235	REP-P 88-07-029	132U-276-180	NEW-P 88-07-029	173-19-2202	AMD-P 88-08-065
132U-80-240	REP-P 88-07-029	132U-276-190	NEW-P 88-07-029	173-19-2204	AMD-P 88-08-066
132U-80-245	REP-P 88-07-029	132U-276-200	NEW-P 88-07-029	173-19-2207	AMD-P 88-08-067
132U-80-250	REP-P 88-07-029	132U-276-210	NEW-P 88-07-029	173-19-2208	AMD-P 88-08-068
132U-80-255	REP-P 88-07-029	132U-276-220	NEW-P 88-07-029	173-19-2507	AMD-C 88-04-092
132U-80-265	REP-P 88-07-029	132U-276-230	NEW-P 88-07-029	173-19-2507	AMD 88-07-008
132U-80-300	REP-P 88-07-029	132U-276-240	NEW-P 88-07-029	173-19-310	AMD-W 88-02-053
132U-80-310	REP-P 88-07-029	132U-280-010	NEW-P 88-07-029	173-19-310	AMD-P 88-02-054
132U-80-320	REP-P 88-07-029	132U-280-015	NEW-P 88-07-029	173-19-310	AMD 88-07-010
132U-80-330	REP-P 88-07-029	132U-280-020	NEW-P 88-07-029	173-19-3302	AMD 88-02-064
		132U-280-025	NEW-P 88-07-029	173-19-3501	AMD-P 88-05-066

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-19-3512	AMD-C	88-02-063	173-160-300	REP	88-08-070	173-223-100	NEW-P	88-07-103
173-19-3512	AMD-C	88-04-093	173-160-305	NEW	88-08-070	173-223-120	NEW-P	88-07-103
173-19-3512	AMD	88-07-007	173-160-310	REP	88-08-070	173-303	AMD-C	88-03-074
173-22-0648	AMD	88-03-070	173-160-315	NEW	88-08-070	173-303	AMD-C	88-06-041
173-110-010	NEW-E	88-08-020	173-160-320	REP	88-08-070	173-303-120	AMD	88-07-039
173-110-020	NEW-E	88-08-020	173-160-325	NEW	88-08-070	173-303-140	AMD	88-02-057
173-110-030	NEW-E	88-08-020	173-160-330	REP	88-08-070	173-303-170	AMD	88-02-057
173-110-040	NEW-E	88-08-020	173-160-335	NEW	88-08-070	173-303-280	AMD	88-02-057
173-110-050	NEW-E	88-08-020	173-160-340	REP	88-08-070	173-303-284	NEW	88-07-039
173-110-060	NEW-E	88-08-020	173-160-345	NEW	88-08-070	173-303-285	NEW	88-07-039
173-110-070	NEW-E	88-08-020	173-160-350	REP	88-08-070	173-303-286	NEW	88-07-039
173-110-080	NEW-E	88-08-020	173-160-355	NEW	88-08-070	173-303-400	AMD	88-02-057
173-110-090	NEW-E	88-08-020	173-160-360	REP	88-08-070	173-303-420	AMD	88-07-039
173-110-100	NEW-E	88-08-020	173-160-365	NEW	88-08-070	173-303-430	AMD	88-07-039
173-158-010	NEW-P	88-05-042	173-160-370	REP	88-08-070	173-303-440	AMD	88-07-039
173-158-020	NEW-P	88-05-042	173-160-375	NEW	88-08-070	173-303-510	AMD	88-07-039
173-158-030	NEW-P	88-05-042	173-160-380	REP	88-08-070	173-303-520	AMD	88-07-039
173-158-040	NEW-P	88-05-042	173-160-385	NEW	88-08-070	173-303-560	AMD	88-07-039
173-158-050	NEW-P	88-05-042	173-160-395	NEW	88-08-070	173-303-600	AMD	88-07-039
173-158-060	NEW-P	88-05-042	173-160-405	NEW	88-08-070	173-303-650	AMD	88-07-039
173-158-070	NEW-P	88-05-042	173-160-415	NEW	88-08-070	173-303-665	AMD	88-02-057
173-158-080	NEW-P	88-05-042	173-160-420	NEW	88-08-070	173-303-800	AMD	88-07-039
173-158-090	NEW-P	88-05-042	173-160-425	NEW	88-08-070	173-303-802	AMD	88-07-039
173-158-100	NEW-P	88-05-042	173-160-435	NEW	88-08-070	173-303-805	AMD	88-07-039
173-158-110	NEW-P	88-05-042	173-160-445	NEW	88-08-070	173-303-806	AMD	88-07-039
173-158-120	NEW-P	88-05-042	173-160-455	NEW	88-08-070	173-303-901	NEW	88-07-039
173-160	AMD-C	88-04-071	173-160-465	NEW	88-08-070	173-303-910	AMD	88-02-057
173-160	AMD	88-08-070	173-160-475	NEW	88-08-070	173-304	AMD-C	88-08-062
173-160-010	AMD	88-08-070	173-160-500	NEW	88-08-070	173-304-100	AMD-P	88-04-074
173-160-020	AMD	88-08-070	173-160-510	NEW	88-08-070	173-304-400	AMD-P	88-04-074
173-160-030	AMD	88-08-070	173-160-520	NEW	88-08-070	173-304-405	AMD-P	88-04-074
173-160-040	AMD	88-08-070	173-160-530	NEW	88-08-070	173-304-407	NEW-P	88-04-074
173-160-050	AMD	88-08-070	173-160-540	NEW	88-08-070	173-304-430	AMD-P	88-04-074
173-160-055	NEW	88-08-070	173-160-550	NEW	88-08-070	173-304-450	AMD-P	88-04-074
173-160-060	REP	88-08-070	173-160-560	NEW	88-08-070	173-304-460	AMD-P	88-04-074
173-160-065	NEW	88-08-070	173-162	AMD-C	88-04-071	173-304-467	NEW-P	88-04-074
173-160-070	REP	88-08-070	173-162	AMD	88-08-070	173-304-600	AMD-P	88-04-074
173-160-075	NEW	88-08-070	173-162-010	AMD	88-08-070	173-340-010	NEW-P	88-07-105
173-160-080	REP	88-08-070	173-162-020	AMD	88-08-070	173-340-010	NEW-E	88-07-106
173-160-085	NEW	88-08-070	173-162-030	AMD	88-08-070	173-340-020	NEW-P	88-07-105
173-160-090	REP	88-08-070	173-162-040	AMD	88-08-070	173-340-020	NEW-E	88-07-106
173-160-09001	REP	88-08-070	173-162-050	AMD	88-08-070	173-340-030	NEW-P	88-07-105
173-160-095	NEW	88-08-070	173-162-060	AMD	88-08-070	173-340-030	NEW-E	88-07-106
173-160-100	REP	88-08-070	173-162-100	AMD	88-08-070	173-340-040	NEW-P	88-07-105
173-160-105	NEW	88-08-070	173-162-110	REP	88-08-070	173-340-040	NEW-E	88-07-106
173-160-110	REP	88-08-070	173-162-130	AMD	88-08-070	173-340-050	NEW-P	88-07-105
173-160-115	NEW	88-08-070	173-162-140	AMD	88-08-070	173-340-050	NEW-E	88-07-106
173-160-120	REP	88-08-070	173-162-150	REP	88-08-070	180-16-223	AMD-P	88-05-024
173-160-125	NEW	88-08-070	173-162-160	REP	88-08-070	180-16-223	AMD-P	88-05-050
173-160-130	REP	88-08-070	173-162-170	AMD	88-08-070	180-16-223	AMD	88-08-045
173-160-135	NEW	88-08-070	173-162-180	REP	88-08-070	180-57-050	AMD-P	88-08-072
173-160-140	REP	88-08-070	173-162-190	AMD	88-08-070	180-75-085	AMD-P	88-08-073
173-160-150	REP	88-08-070	173-162-200	NEW	88-08-070	180-78	AMD-C	88-03-025
173-160-160	REP	88-08-070	173-162-210	NEW	88-08-070	180-78	AMD	88-07-002
173-160-170	REP	88-08-070	173-162-220	NEW	88-08-070	180-78-007	NEW	88-07-002
173-160-180	REP	88-08-070	173-201	AMD	88-02-058	180-78-008	NEW	88-07-002
173-160-190	REP	88-08-070	173-201-010	AMD	88-02-058	180-78-010	AMD	88-07-002
173-160-200	REP	88-08-070	173-201-025	AMD	88-02-058	180-78-026	NEW	88-07-002
173-160-205	NEW	88-08-070	173-201-035	AMD	88-02-058	180-78-027	REP	88-07-002
173-160-210	REP	88-08-070	173-201-045	AMD	88-02-058	180-78-028	NEW	88-07-002
173-160-215	NEW	88-08-070	173-201-047	NEW	88-02-058	180-78-029	NEW	88-07-002
173-160-220	REP	88-08-070	173-201-070	AMD	88-02-058	180-78-030	REP	88-07-002
173-160-225	NEW	88-08-070	173-201-080	AMD	88-02-058	180-78-033	NEW	88-07-002
173-160-230	REP	88-08-070	173-201-090	AMD	88-02-058	180-78-035	REP	88-07-002
173-160-235	NEW	88-08-070	173-201-100	AMD	88-02-058	180-78-036	NEW	88-07-002
173-160-240	REP	88-08-070	173-216-130	AMD-P	88-07-103	180-78-037	NEW	88-07-002
173-160-245	NEW	88-08-070	173-220-150	AMD-P	88-07-103	180-78-040	REP	88-07-002
173-160-250	REP	88-08-070	173-222-015	AMD-P	88-07-103	180-78-047	NEW	88-07-002
173-160-255	NEW	88-08-070	173-223-015	NEW-P	88-07-103	180-78-050	REP	88-07-002
173-160-260	REP	88-08-070	173-223-020	NEW-P	88-07-103	180-78-055	REP	88-07-002
173-160-265	NEW	88-08-070	173-223-030	NEW-P	88-07-103	180-78-057	AMD	88-07-002
173-160-270	REP	88-08-070	173-223-040	NEW-P	88-07-103	180-78-060	AMD	88-07-002
173-160-275	NEW	88-08-070	173-223-050	NEW-P	88-07-103	180-78-063	NEW	88-07-002
173-160-280	REP	88-08-070	173-223-060	NEW-P	88-07-103	180-78-065	NEW	88-07-002
173-160-285	NEW	88-08-070	173-223-070	NEW-P	88-07-103	180-78-068	NEW	88-07-002
173-160-290	REP	88-08-070	173-223-080	NEW-P	88-07-103	180-78-070	NEW	88-07-002
173-160-295	NEW	88-08-070	173-223-090	NEW-P	88-07-103	180-78-073	NEW	88-07-002

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180-78-074	NEW	88-07-002	180-79-129	NEW-P	88-05-051	180-115-035	NEW-E	88-05-046
180-78-075	NEW	88-07-002	180-79-129	NEW	88-08-046	180-115-035	NEW-P	88-05-052
180-78-080	NEW	88-07-002	180-79-130	REP	88-05-047	180-115-035	NEW	88-08-044
180-78-085	NEW	88-07-002	180-79-131	NEW	88-05-047	180-115-040	NEW-E	88-05-046
180-78-090	NEW	88-07-002	180-79-135	REP	88-05-047	180-115-040	NEW-P	88-05-052
180-78-095	NEW	88-07-002	180-79-136	NEW	88-05-047	180-115-040	NEW	88-08-044
180-78-100	NEW	88-07-002	180-79-140	NEW	88-05-047	180-115-045	NEW-E	88-05-046
180-78-105	NEW	88-07-002	180-79-150	REP	88-05-047	180-115-045	NEW-P	88-05-052
180-78-110	NEW	88-07-002	180-79-155	REP	88-05-047	180-115-045	NEW	88-08-044
180-78-115	NEW	88-07-002	180-79-160	REP	88-05-047	180-115-050	NEW-E	88-05-046
180-78-120	NEW	88-07-002	180-79-170	REP	88-05-047	180-115-050	NEW-P	88-05-052
180-78-125	NEW	88-07-002	180-79-175	REP	88-05-047	180-115-050	NEW	88-08-044
180-78-130	NEW	88-07-002	180-79-185	REP	88-05-047	180-115-055	NEW-E	88-05-046
180-78-140	NEW	88-07-002	180-79-190	REP	88-05-047	180-115-055	NEW-P	88-05-052
180-78-145	NEW	88-07-002	180-79-195	REP	88-05-047	180-115-055	NEW	88-08-044
180-78-150	NEW	88-07-002	180-79-200	REP	88-05-047	180-115-060	NEW-E	88-05-046
180-78-155	NEW	88-07-002	180-79-205	REP	88-05-047	180-115-060	NEW-P	88-05-052
180-78-160	NEW	88-07-002	180-79-210	REP	88-05-047	180-115-060	NEW	88-08-044
180-78-165	NEW	88-07-002	180-79-215	REP	88-05-047	180-115-065	NEW-E	88-05-046
180-78-170	NEW	88-07-002	180-79-230	AMD	88-05-047	180-115-065	NEW-P	88-05-052
180-78-175	NEW	88-07-002	180-79-245	AMD	88-05-047	180-115-065	NEW	88-08-044
180-78-180	NEW	88-07-002	180-79-250	REP	88-05-047	180-115-070	NEW-E	88-05-046
180-78-185	NEW	88-07-002	180-80-205	REP	88-05-048	180-115-070	NEW-P	88-05-052
180-78-190	NEW	88-07-002	180-80-210	REP	88-05-048	180-115-070	NEW	88-08-044
180-78-193	AMD	88-07-002	180-80-215	REP	88-05-048	180-115-075	NEW-E	88-05-046
180-78-194	AMD	88-07-002	180-80-280	REP	88-05-048	180-115-075	NEW-P	88-05-052
180-78-199	AMD	88-07-002	180-80-285	REP	88-05-048	180-115-075	NEW	88-08-044
180-78-205	NEW	88-07-002	180-80-290	REP	88-05-048	180-115-080	NEW-E	88-05-046
180-78-210	NEW	88-07-002	180-80-295	REP	88-05-048	180-115-080	NEW-P	88-05-052
180-78-215	NEW	88-07-002	180-80-300	REP	88-05-048	180-115-080	NEW	88-08-044
180-78-220	NEW	88-07-002	180-80-301	REP	88-05-048	180-115-085	NEW-E	88-05-046
180-78-225	NEW	88-07-002	180-80-302	REP	88-05-048	180-115-085	NEW-P	88-05-052
180-78-230	NEW	88-07-002	180-80-303	REP	88-05-048	180-115-085	NEW	88-08-044
180-78-235	NEW	88-07-002	180-80-312	REP	88-05-048	180-115-090	NEW-E	88-05-046
180-78-240	NEW	88-07-002	180-80-530	REP	88-05-048	180-115-090	NEW-P	88-05-052
180-78-245	NEW	88-07-002	180-80-705	REP	88-05-048	180-115-090	NEW	88-08-044
180-78-250	NEW	88-07-002	180-84-015	REP	88-05-049	180-115-095	NEW-E	88-05-046
180-78-255	NEW	88-07-002	180-84-020	REP	88-05-049	180-115-095	NEW-P	88-05-052
180-78-260	NEW	88-07-002	180-84-025	REP	88-05-049	180-115-095	NEW	88-08-044
180-78-265	NEW	88-07-002	180-84-050	REP	88-05-049	180-115-100	NEW-E	88-05-046
180-78-270	NEW	88-07-002	180-84-055	REP	88-05-049	180-115-100	NEW-P	88-05-052
180-78-275	NEW	88-07-002	180-84-060	REP	88-05-049	180-115-100	NEW	88-08-044
180-78-280	NEW	88-07-002	180-84-075	REP	88-05-049	180-115-105	NEW-E	88-05-046
180-78-285	NEW	88-07-002	180-84-080	REP	88-05-049	180-115-105	NEW-P	88-05-052
180-78-290	NEW	88-07-002	180-84-090	REP	88-05-049	180-115-105	NEW	88-08-044
180-78-295	NEW	88-07-002	180-110-010	NEW	88-06-002	192-16-057	NEW-P	88-07-108
180-78-300	NEW	88-07-002	180-110-015	NEW	88-06-002	192-16-061	NEW	88-05-034
180-78-305	NEW	88-07-002	180-110-017	NEW	88-06-002	192-16-065	NEW-E	88-07-107
180-78-310	NEW	88-07-002	180-110-020	NEW	88-06-002	192-16-065	NEW-P	88-07-108
180-78-315	NEW	88-07-002	180-110-030	NEW	88-06-002	192-28-105	AMD-P	88-07-109
180-78-320	NEW	88-07-002	180-110-035	NEW	88-06-002	192-28-110	AMD-P	88-07-109
180-78-325	NEW	88-07-002	180-110-040	NEW	88-06-002	192-28-120	AMD-P	88-07-109
180-79-007	AMD-E	88-05-045	180-110-045	NEW	88-06-002	192-28-130	NEW-P	88-07-109
180-79-007	AMD-P	88-05-051	180-110-050	NEW	88-06-002	192-42-005	NEW-P	88-07-110
180-79-007	AMD	88-08-046	180-110-052	NEW	88-06-002	192-42-010	NEW-P	88-07-110
180-79-010	AMD	88-05-047	180-110-053	NEW	88-06-002	192-42-020	NEW-P	88-07-110
180-79-013	REP	88-05-047	180-110-055	NEW	88-06-002	192-42-030	NEW-P	88-07-110
180-79-014	REP	88-05-047	180-110-060	NEW	88-06-002	192-42-040	NEW-P	88-07-110
180-79-045	AMD	88-05-047	180-110-065	NEW	88-06-002	192-42-050	NEW-P	88-07-110
180-79-049	NEW	88-05-047	180-115-005	NEW-E	88-05-046	192-42-060	NEW-P	88-07-110
180-79-060	AMD	88-05-047	180-115-005	NEW-P	88-05-052	192-42-070	NEW-P	88-07-110
180-79-062	NEW	88-05-047	180-115-005	NEW	88-08-044	192-42-080	NEW-P	88-07-110
180-79-063	NEW	88-05-047	180-115-010	NEW-E	88-05-046	196-04-025	NEW-E	88-05-064
180-79-065	AMD	88-05-047	180-115-010	NEW-P	88-05-052	196-04-025	NEW-P	88-07-094
180-79-080	AMD	88-05-047	180-115-010	NEW	88-08-044	196-04-030	AMD-E	88-05-064
180-79-086	AMD	88-05-047	180-115-015	NEW-E	88-05-046	196-04-030	AMD-P	88-07-094
180-79-100	REP	88-05-047	180-115-015	NEW-P	88-05-052	196-12-010	AMD-E	88-05-064
180-79-115	AMD	88-05-047	180-115-015	NEW	88-08-044	196-12-010	AMD-P	88-07-094
180-79-116	NEW-E	88-05-045	180-115-020	NEW-E	88-05-046	196-12-085	AMD-E	88-05-064
180-79-116	NEW-P	88-05-051	180-115-020	NEW-P	88-05-052	196-12-085	AMD-P	88-07-094
180-79-116	NEW	88-08-046	180-115-020	NEW	88-08-044	196-16-007	AMD-E	88-05-064
180-79-117	NEW	88-05-047	180-115-025	NEW-E	88-05-046	196-16-007	AMD-P	88-07-094
180-79-120	AMD	88-05-047	180-115-025	NEW-P	88-05-052	196-20-010	AMD-E	88-05-064
180-79-122	NEW	88-05-047	180-115-025	NEW	88-08-044	196-20-010	AMD-P	88-07-094
180-79-125	AMD	88-05-047	180-115-030	NEW-E	88-05-046	204-08-020	AMD	88-03-031
180-79-127	NEW	88-05-047	180-115-030	NEW-P	88-05-052	204-08-030	AMD	88-03-031
180-79-129	NEW-E	88-05-045	180-115-030	NEW	88-08-044	204-08-040	AMD	88-03-031

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204-08-050	AMD	88-03-031	220-55-07500A	NEW-E	88-02-048	220-57-335	AMD-P	88-03-075
212-17-001	AMD-P	88-03-014	220-55-07600A	NEW-E	88-02-048	220-57-380	AMD-P	88-03-076
212-17-001	AMD	88-08-027	220-55-080	AMD	88-05-002	220-57-385	AMD-P	88-03-075
212-17-010	AMD-P	88-03-014	220-55-085	REP	88-05-002	220-57-445	AMD-P	88-03-075
212-17-010	AMD	88-08-027	220-55-090	AMD	88-05-002	220-57-460	AMD-P	88-03-075
212-17-060	AMD-P	88-03-014	220-55-095	REP	88-05-002	220-57-495	AMD-P	88-03-075
212-17-060	AMD	88-08-027	220-55-105	AMD	88-05-002	220-57-505	AMD-P	88-03-075
212-17-065	AMD-P	88-03-014	220-55-110	AMD	88-05-002	220-57-50500N	NEW-E	88-08-055
212-17-065	AMD	88-08-027	220-55-115	AMD	88-05-002	220-57-515	AMD-P	88-03-075
212-17-070	AMD-P	88-03-014	220-55-120	AMD	88-05-002	220-57-51500C	NEW-E	88-08-055
212-17-070	AMD	88-08-027	220-55-12000A	NEW-E	88-02-048	220-57A-175	AMD-P	88-03-075
212-17-085	AMD-P	88-03-014	220-55-125	AMD	88-05-002	220-57A-180	AMD-P	88-03-075
212-17-085	AMD	88-08-027	220-55-130	AMD	88-05-002	220-69-238	NEW-E	88-02-048
212-17-115	AMD-P	88-03-014	220-55-135	AMD	88-05-002	220-69-238	NEW	88-05-002
212-17-115	AMD	88-08-027	220-55-13000A	NEW-E	88-02-048	220-69-245	AMD	88-05-002
212-17-120	AMD-P	88-03-014	220-56-105	AMD-P	88-03-075	230-02-280	NEW-P	88-03-024
212-17-120	AMD	88-08-027	220-56-115	AMD-P	88-03-075	230-02-290	NEW-P	88-03-024
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212-17-125	AMD	88-08-027	220-56-116	AMD-P	88-03-076	230-04-197	REP	88-07-059
212-17-135	AMD-P	88-03-014	220-56-120	AMD-P	88-03-076	230-04-201	AMD-P	88-07-061
212-17-135	AMD	88-08-027	220-56-128	AMD-P	88-03-076	230-08-010	AMD-P	88-03-024
212-17-140	AMD-P	88-03-014	220-56-12800C	NEW-E	88-08-002	230-08-017	NEW-P	88-03-024
212-17-140	AMD	88-08-027	220-56-175	AMD	88-05-002	230-08-025	AMD-P	88-03-024
212-17-170	AMD-P	88-03-014	220-56-17500A	NEW-E	88-02-048	230-08-130	AMD-P	88-03-024
212-17-170	AMD	88-08-027	220-56-180	AMD-P	88-03-075	230-08-170	REP-P	88-03-024
212-17-185	AMD-P	88-03-014	220-56-18000V	NEW-E	88-08-002	230-20-064	AMD-P	88-03-024
212-17-185	AMD	88-08-027	220-56-18000W	NEW-E	88-08-003	230-20-064	AMD-E	88-05-038
212-17-195	AMD-P	88-03-014	220-56-185	AMD-P	88-03-075	230-20-064	AMD	88-07-059
212-17-195	AMD	88-08-027	220-56-195	AMD-P	88-03-075	230-20-325	AMD-P	88-03-024
212-17-203	AMD-P	88-03-014	220-56-19500H	NEW-E	88-08-002	230-20-325	AMD	88-07-059
212-17-203	AMD	88-08-027	220-56-199	AMD-P	88-03-075	230-20-605	AMD-P	88-03-024
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212-17-225	AMD	88-08-027	220-56-205	AMD-P	88-03-075	230-20-610	AMD-P	88-03-024
212-17-230	AMD-P	88-03-014	220-56-20500B	NEW-E	88-08-002	230-20-610	AMD	88-07-059
212-17-230	AMD	88-08-027	220-56-235	AMD-P	88-03-075	230-20-615	NEW-P	88-03-024
212-17-235	AMD-P	88-03-014	220-56-23500D	NEW-E	88-08-002	230-20-615	NEW	88-07-059
212-17-235	AMD	88-08-027	220-56-240	AMD-P	88-03-076	230-20-630	AMD-P	88-03-024
212-17-245	AMD-P	88-03-014	220-56-24000D	NEW-E	88-08-002	230-20-630	AMD	88-07-059
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212-17-250	AMD	88-08-027	220-56-255	AMD-P	88-03-075	230-30-015	AMD-P	88-03-024
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212-17-260	AMD	88-08-027	220-56-25500B	NEW-E	88-06-050	230-30-072	NEW-P	88-03-024
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212-17-270	AMD	88-08-027	220-56-26500A	NEW-E	88-08-002	232-12-024	AMD-P	88-08-085
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220-32-05100Z	REP-E	88-07-015	220-57-16000N	NEW-E	88-08-002	232-28-61623	NEW-E	88-08-006
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248-54-045	AMD	88-05-057	248-100-163	REP-P	88-03-022	251-01-455	REP-P	88-06-075
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248-54-265	AMD	88-05-057	248-100-450	REP	88-07-063	260-34-010	NEW-P	88-06-052
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248-63-001	AMD-P	88-06-092	248-172-202	NEW	88-04-090	260-34-060	NEW-P	88-06-052
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248-63-035	NEW-P	88-06-092	248-172-301	NEW	88-04-090	260-34-110	NEW-P	88-06-052
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248-63-115	NEW-P	88-06-092	250-60-070	AMD-P	88-06-091	275-38-520	AMD-P	88-07-122
248-63-120	REP-P	88-06-092	250-60-080	AMD-P	88-06-091	275-38-525	AMD-P	88-07-122
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248-63-135	NEW-P	88-06-092	250-60-110	AMD-P	88-06-091	275-38-540	AMD-P	88-07-122
248-63-140	REP-P	88-06-092	250-60-120	AMD-P	88-06-091	275-38-545	AMD-P	88-07-122
248-63-145	NEW-P	88-06-092	250-65-010	NEW	88-03-008	275-38-546	NEW-P	88-07-122
248-63-150	REP-P	88-06-092	250-65-020	NEW	88-03-008	275-38-550	AMD-P	88-07-122
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248-63-170	REP-P	88-06-092	250-65-060	NEW	88-03-008	275-38-570	AMD-P	88-07-122
248-63-175	NEW-P	88-06-092	251-01-018	NEW-P	88-02-072	275-38-575	REP-P	88-07-122
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275-38-725	AMD-P	88-07-122	296-17-520	AMD-P	88-06-072	296-62-07339	NEW-P	88-06-073
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275-38-780	AMD-P	88-07-122	296-17-536	AMD-P	88-06-072	296-62-07345	REP-P	88-06-073
275-38-785	AMD-P	88-07-122	296-17-552	AMD-P	88-06-072	296-62-07346	NEW-P	88-06-073
275-38-790	AMD-P	88-07-122	296-17-55201	NEW-P	88-02-060	296-81-008	AMD-P	88-04-053
275-38-800	AMD-P	88-07-122	296-17-55201	NEW	88-06-047	296-81-008	AMD	88-07-101
275-38-812	AMD-P	88-07-122	296-17-563	AMD-P	88-06-072	296-116-020	AMD-C	88-05-016
275-38-815	AMD-P	88-07-122	296-17-56402	NEW-P	88-06-072	296-116-030	AMD-C	88-05-017
275-38-820	AMD-P	88-07-122	296-17-567	AMD-P	88-06-072	296-116-080	AMD-C	88-06-066
275-38-840	AMD-P	88-07-122	296-17-580	AMD-P	88-06-072	296-116-083	NEW-P	88-06-067
275-38-845	AMD-P	88-07-122	296-17-582	AMD-P	88-06-072	296-116-120	AMD-C	88-05-018
275-38-846	AMD-P	88-07-122	296-17-594	AMD-P	88-06-072	296-116-185	AMD	88-05-043
275-38-860	AMD-P	88-07-122	296-17-598	REP-P	88-06-072	296-116-300	AMD	88-05-039
275-38-869	AMD-P	88-07-122	296-17-598	REP-P	88-06-076	296-116-320	REP-P	88-06-068
275-38-880	AMD-P	88-07-122	296-17-630	AMD-P	88-06-072	296-116-360	NEW-C	88-05-019
275-38-886	AMD-P	88-07-122	296-17-643	AMD-P	88-06-072	296-116-370	NEW-P	88-06-069
275-38-887	NEW-P	88-07-122	296-17-64901	AMD-P	88-06-072	296-116-400	NEW-C	88-05-020
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275-38-889	NEW-P	88-07-122	296-17-677	AMD-P	88-06-072	296-116-420	NEW-P	88-06-070
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275-38-892	AMD-P	88-07-122	296-17-731	AMD-P	88-06-076	296-155-426	NEW-P	88-06-073
275-38-900	AMD-P	88-07-122	296-17-73101	NEW-P	88-06-076	296-155-428	NEW-P	88-06-073
275-38-903	NEW-P	88-07-122	296-17-73102	NEW-P	88-06-076	296-155-429	NEW-P	88-06-073
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275-38-925	AMD-P	88-07-122	296-17-736	AMD-P	88-06-072	296-155-434	NEW-P	88-06-073
275-38-940	AMD-P	88-07-122	296-17-757	AMD-P	88-06-072	296-155-435	REP-P	88-06-073
275-38-945	AMD-P	88-07-122	296-17-758	AMD-P	88-06-072	296-155-437	NEW-P	88-06-073
275-38-955	AMD-P	88-07-122	296-17-759	AMD-P	88-06-072	296-155-440	REP-P	88-06-073
275-38-960	AMD-P	88-07-122	296-17-760	AMD-P	88-06-072	296-155-441	NEW-P	88-06-073
284-30-800	NEW-P	88-07-073	296-17-761	AMD-P	88-06-072	296-155-444	NEW-P	88-06-073
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308-195-110	NEW-P	88-03-034	315-11-320	NEW-P	88-06-049	356-05-460	REP-C	88-07-044
308-210-010	NEW-P	88-05-060	315-11-321	NEW-P	88-06-049	356-05-461	NEW-C	88-07-044
308-210-020	NEW-P	88-05-060	315-11-322	NEW-P	88-06-049	356-05-465	AMD-P	88-08-009
308-210-030	NEW-P	88-05-060	315-20-090	AMD-P	88-02-062	356-14-240	AMD	88-08-008
308-210-040	NEW-P	88-05-060	315-20-090	AMD	88-06-031	356-15-020	AMD	88-05-028
308-210-050	NEW-P	88-05-060	315-30-080	AMD-P	88-02-062	356-15-085	AMD-P	88-04-035
308-210-060	NEW-P	88-05-060	315-32-050	AMD-P	88-02-066	356-15-085	AMD-C	88-07-042
308-220-010	NEW-P	88-05-062	315-32-050	AMD	88-05-030	356-15-090	AMD-P	88-08-008
308-220-020	NEW-P	88-05-062	316-02-350	AMD-P	88-06-057	356-15-100	AMD-P	88-04-033
308-220-030	NEW-P	88-05-062	316-02-820	AMD-P	88-06-057	356-15-110	AMD-P	88-04-033
308-220-040	NEW-P	88-05-062	316-45-110	AMD-P	88-06-057	356-15-115	NEW-P	88-04-033
308-220-050	NEW-P	88-05-062	316-45-550	AMD-P	88-06-057	360-18-020	AMD	88-07-011
308-220-070	NEW-P	88-05-062	320-16-020	NEW	88-04-080	360-18-025	NEW	88-07-011
308-220-080	NEW-P	88-05-062	326-02-030	AMD	88-08-031	356-18-030	AMD-P	88-06-022
308-230-010	NEW-P	88-05-063	326-20-090	REP-E	88-06-029	356-18-114	NEW-P	88-04-032
308-230-020	NEW-P	88-05-063	326-20-090	REP	88-06-030	356-18-114	NEW-C	88-07-041
308-230-030	NEW-P	88-05-063	326-20-091	NEW-E	88-06-043	356-18-120	AMD-P	88-04-034
308-230-040	NEW-P	88-05-063	326-20-091	NEW-P	88-06-074	356-18-120	AMD	88-07-046
308-230-050	NEW-P	88-05-063	326-20-092	NEW-E	88-06-043	356-18-130	REP-E	88-04-030
308-410-010	NEW	88-03-037	326-20-092	NEW-P	88-06-074	356-18-130	REP-P	88-04-065
308-410-020	NEW	88-03-037	326-20-093	NEW-E	88-06-043	356-18-130	REP	88-07-045
308-410-030	NEW	88-03-037	326-20-093	NEW-P	88-06-074	356-18-190	AMD-P	88-04-068
308-410-040	NEW	88-03-037	326-20-094	NEW-E	88-06-043	356-26-050	AMD-P	88-04-068
308-410-050	NEW	88-03-037	326-20-094	NEW-P	88-06-074	356-26-060	AMD-P	88-04-031
308-410-060	NEW	88-03-037	326-20-095	NEW-E	88-06-043	356-26-080	AMD-P	88-04-068
308-410-070	NEW	88-03-037	326-20-095	NEW-P	88-06-074	356-30-015	AMD-P	88-04-068
314-08-080	AMD-P	88-06-056	326-20-096	NEW-E	88-06-043	356-30-020	REP-P	88-04-066
314-08-080	AMD	88-08-057	326-20-096	NEW-P	88-06-074	356-30-030	REP-P	88-04-066
314-12-037	NEW-P	88-05-012	326-20-097	NEW-E	88-06-043	356-30-040	REP-P	88-04-066
314-12-038	NEW-P	88-06-054	326-20-097	NEW-P	88-06-074	356-30-050	REP-P	88-04-066
314-12-100	AMD	88-04-028	326-20-098	NEW-E	88-06-043	356-30-065	AMD-P	88-04-068
314-12-145	AMD-E	88-07-076	326-20-098	NEW-P	88-06-074	356-30-067	NEW-P	88-04-068
314-12-145	AMD-P	88-07-091	326-20-171	AMD-P	88-06-074	356-30-070	REP-P	88-04-066
314-16-190	AMD-P	88-04-082	326-20-172	AMD-P	88-06-074	356-30-080	REP-P	88-04-066
314-16-190	AMD	88-07-058	326-20-180	AMD-P	88-06-074	356-30-140	AMD-P	88-04-068
314-22-010	NEW-P	88-05-007	326-20-185	AMD-P	88-06-074	356-30-145	AMD-P	88-04-068
314-22-010	NEW	88-07-090	332-30-166	AMD-P	88-08-074	356-30-260	AMD-C	88-03-039
314-24-060	AMD-P	88-08-025	344-12-043	NEW-P	88-07-115	356-30-260	AMD	88-06-001
314-36-010	AMD-P	88-04-087	344-12-050	AMD-P	88-07-115	356-30-305	AMD-C	88-03-039
314-36-010	AMD	88-07-025	344-12-064	NEW-P	88-07-115	356-30-305	AMD	88-06-001
314-36-020	AMD-P	88-04-087	344-12-145	AMD-P	88-07-115	356-30-330	AMD-P	88-04-068
314-36-020	AMD	88-07-025	352-12-010	AMD-P	88-04-075	356-34-010	AMD-P	88-04-067

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356-34-030	AMD	88-03-043	360-60-020	NEW-P	88-03-036	388-15-208	AMD-P	88-02-065
356-34-040	AMD	88-03-043	360-60-030	NEW	88-06-026	388-15-209	AMD-P	88-06-088
356-34-045	NEW	88-03-043	360-60-030	NEW-P	88-03-036	388-15-209	AMD-P	88-02-065
356-34-050	AMD	88-03-043	360-60-030	NEW	88-06-026	388-15-209	AMD	88-06-088
356-34-150	REP-P	88-08-058	360-60-040	NEW-P	88-03-036	388-15-212	AMD-P	88-02-065
356-34-170	AMD-P	88-08-058	360-60-040	NEW	88-06-026	388-15-212	AMD	88-06-088
356-42-010	AMD-C	88-07-044	365-180-010	NEW	88-02-042	388-15-213	AMD-P	88-02-065
356-42-020	AMD-C	88-07-043	365-180-020	NEW	88-02-042	388-15-213	AMD	88-06-088
356-42-042	NEW-C	88-07-043	365-180-030	NEW	88-02-042	388-15-214	NEW-P	88-02-065
356-42-043	AMD-C	88-07-043	365-180-040	NEW	88-02-042	388-15-214	NEW	88-06-088
356-42-043	AMD-C	88-07-044	365-180-050	NEW	88-02-042	388-15-215	AMD-P	88-02-065
356-42-045	AMD-C	88-07-043	365-180-060	NEW	88-02-042	388-15-215	AMD-P	88-08-059
356-42-045	AMD-C	88-07-044	365-180-070	NEW	88-02-042	388-15-217	AMD-P	88-02-065
356-42-047	AMD-C	88-07-044	365-180-080	NEW	88-02-042	388-15-217	AMD-P	88-08-059
356-42-049	NEW-C	88-07-043	365-180-090	NEW	88-02-042	388-15-690	NEW	88-03-020
356-42-050	AMD-C	88-07-044	388-14-010	AMD-P	88-02-055	388-15-695	NEW	88-03-020
356-42-055	AMD-C	88-07-043	388-14-010	AMD-E	88-02-056	388-15-700	NEW	88-03-020
356-42-060	AMD-C	88-07-044	388-14-010	AMD	88-07-012	388-15-705	NEW	88-03-020
356-42-070	AMD-C	88-07-044	388-14-020	AMD-P	88-02-055	388-15-710	NEW	88-03-020
356-42-082	AMD-C	88-07-043	388-14-020	AMD-E	88-02-056	388-15-715	NEW	88-03-020
356-42-084	AMD-C	88-07-043	388-14-020	AMD	88-07-012	388-24-040	AMD-P	88-04-036
356-42-105	NEW-C	88-07-043	388-14-030	AMD-P	88-02-055	388-24-040	AMD-E	88-04-039
356-46-125	NEW	88-03-042	388-14-030	AMD-E	88-02-056	388-24-050	AMD-P	88-04-036
356-47-030	AMD-P	88-04-068	388-14-030	AMD	88-07-012	388-24-050	AMD-E	88-04-039
356-47-045	AMD-P	88-04-068	388-14-200	AMD-P	88-02-055	388-24-074	AMD	88-06-084
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360-08-005	NEW	88-06-026	388-14-200	AMD	88-07-012	388-24-090	AMD	88-06-084
360-08-030	REP-P	88-03-036	388-14-205	AMD-P	88-02-055	388-24-090	AMD	88-07-056
360-08-030	REP	88-06-026	388-14-205	AMD-E	88-02-056	388-24-107	AMD	88-06-084
360-08-070	REP-P	88-03-036	388-14-205	AMD	88-07-012	388-24-107	AMD	88-07-056
360-08-070	REP	88-06-026	388-14-210	AMD-P	88-02-055	388-24-125	AMD-P	88-04-036
360-08-080	REP-P	88-03-036	388-14-210	AMD-E	88-02-056	388-24-125	AMD-E	88-04-039
360-08-080	REP	88-06-026	388-14-210	AMD	88-07-012	388-28-435	AMD	88-05-013
360-08-090	REP-P	88-03-036	388-14-220	AMD-P	88-02-055	388-28-440	AMD-P	88-04-045
360-08-090	REP	88-06-026	388-14-220	AMD-E	88-02-056	388-28-440	AMD	88-07-052
360-08-100	REP-P	88-03-036	388-14-220	AMD	88-07-012	388-28-475	AMD-P	88-04-045
360-08-100	REP	88-06-026	388-14-270	AMD-P	88-02-055	388-28-475	AMD	88-07-052
360-08-110	REP-P	88-03-036	388-14-270	AMD-E	88-02-056	388-28-480	AMD	88-07-117
360-08-110	REP	88-06-026	388-14-270	AMD	88-07-012	388-28-482	AMD	88-07-117
360-08-120	REP-P	88-03-036	388-14-302	AMD-P	88-02-055	388-28-483	AMD	88-07-117
360-08-120	REP	88-06-026	388-14-302	AMD-E	88-02-056	388-28-560	AMD	88-04-018
360-08-130	REP-P	88-03-036	388-14-302	AMD	88-07-012	388-29-100	AMD	88-04-019
360-08-130	REP	88-06-026	388-14-305	AMD-P	88-02-055	388-29-125	AMD	88-04-019
360-08-140	REP-P	88-03-036	388-14-305	AMD-E	88-02-056	388-29-130	AMD	88-04-019
360-08-140	REP	88-06-026	388-14-305	AMD	88-07-012	388-29-145	REP-P	88-04-037
360-08-410	REP-P	88-03-036	388-14-310	AMD-P	88-02-055	388-29-145	REP-E	88-04-040
360-08-410	REP	88-06-026	388-14-310	AMD-E	88-02-056	388-29-145	REP	88-07-062
360-08-430	REP-P	88-03-036	388-14-310	AMD	88-07-012	388-29-146	REP	88-04-019
360-08-430	REP	88-06-026	388-14-320	REP-P	88-02-055	388-29-280	AMD	88-04-019
360-08-440	REP-P	88-03-036	388-14-320	REP-E	88-02-056	388-33-135	AMD	88-07-117
360-08-440	REP	88-06-026	388-14-320	REP	88-07-012	388-38-110	AMD-P	88-04-038
360-08-450	REP-P	88-03-036	388-14-325	REP-P	88-02-055	388-38-110	AMD	88-07-118
360-08-450	REP	88-06-026	388-14-325	REP-E	88-02-056	388-40-080	AMD-P	88-07-053
360-08-460	REP-P	88-03-036	388-14-325	REP	88-07-012	388-40-080	AMD-E	88-07-054
360-08-460	REP	88-06-026	388-14-370	AMD-P	88-02-055	388-40-080	AMD-W	88-08-001
360-08-470	REP-P	88-03-036	388-14-370	AMD-E	88-02-056	388-40-090	AMD-P	88-07-053
360-08-470	REP	88-06-026	388-14-370	AMD	88-07-012	388-40-090	AMD-E	88-07-054
360-08-480	REP-P	88-03-036	388-14-385	AMD-P	88-02-055	388-40-090	AMD-W	88-08-001
360-08-480	REP	88-06-026	388-14-385	AMD-E	88-02-056	388-40-100	AMD-P	88-07-053
360-08-490	REP-P	88-03-036	388-14-385	AMD	88-07-012	388-40-100	AMD-E	88-07-054
360-08-490	REP	88-06-026	388-14-405	AMD-P	88-02-055	388-40-100	AMD-W	88-08-001
360-08-500	REP-P	88-03-036	388-14-405	AMD-E	88-02-056	388-40-110	NEW-P	88-07-053
360-08-500	REP	88-06-026	388-14-405	AMD	88-07-012	388-40-110	NEW-E	88-07-054
360-08-510	REP-P	88-03-036	388-14-415	AMD-P	88-02-055	388-40-110	NEW-W	88-08-001
360-08-510	REP	88-06-026	388-14-415	AMD-E	88-02-056	388-49-020	AMD-P	88-06-079
360-10-010	AMD	88-06-060	388-14-415	AMD	88-07-012	388-49-020	AMD	88-08-080
360-10-050	AMD	88-06-060	388-14-420	NEW-P	88-02-055	388-49-410	AMD-P	88-06-080
360-10-060	AMD	88-06-060	388-14-420	NEW-E	88-02-056	388-49-410	AMD	88-08-081
360-13-066	AMD-P	88-07-097	388-14-420	NEW	88-07-012	388-49-470	AMD-P	88-05-005
360-18-020	AMD-P	88-03-066	388-14-425	NEW-P	88-02-055	388-49-470	AMD-E	88-05-006
360-18-020	AMD	88-07-011	388-14-425	NEW-E	88-02-056	388-49-470	AMD-P	88-06-081
360-18-025	NEW-P	88-03-066	388-14-425	NEW	88-07-012	388-49-470	AMD	88-08-079
360-18-025	NEW	88-07-011	388-14-430	NEW-P	88-02-055	388-49-500	AMD-P	88-06-082
360-36-425	NEW	88-06-060	388-14-430	NEW-E	88-02-056	388-49-500	AMD	88-08-078
360-36-425	AMD-P	88-07-097	388-14-430	NEW	88-07-012	388-49-505	NEW	88-04-042
360-60-010	NEW-P	88-03-036	388-15-207	AMD-P	88-02-065	388-49-640	AMD-P	88-04-088

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388-49-660	AMD-P	88-04-046	388-77-310	NEW-W	88-08-038	388-77-765	NEW-P	88-04-089
388-49-660	AMD	88-08-040	388-77-320	NEW-P	88-04-089	388-77-765	NEW-W	88-08-038
388-57-010	REP	88-07-055	388-77-320	NEW-W	88-08-038	388-77-770	NEW-P	88-04-089
388-57-011	NEW	88-07-055	388-77-330	NEW-P	88-04-089	388-77-770	NEW-W	88-08-038
388-57-015	REP	88-07-055	388-77-330	NEW-W	88-08-038	388-77-780	NEW-P	88-04-089
388-57-020	REP	88-07-055	388-77-335	NEW-P	88-04-089	388-77-780	NEW-W	88-08-038
388-57-028	REP	88-07-055	388-77-335	NEW-W	88-08-038	388-77-810	NEW-P	88-04-089
388-57-032	REP	88-07-055	388-77-340	NEW-P	88-04-089	388-77-810	NEW-W	88-08-038
388-57-036	REP	88-07-055	388-77-340	NEW-W	88-08-038	388-77-815	NEW-P	88-04-089
388-57-040	AMD	88-07-055	388-77-350	NEW-P	88-04-089	388-77-815	NEW-W	88-08-038
388-57-045	REP	88-07-055	388-77-350	NEW-W	88-08-038	388-77-820	NEW-P	88-04-089
388-57-056	REP	88-07-055	388-77-355	NEW-P	88-04-089	388-77-820	NEW-W	88-08-038
388-57-057	AMD	88-07-055	388-77-355	NEW-W	88-08-038	388-77-825	NEW-P	88-04-089
388-57-059	NEW	88-07-055	388-77-360	NEW-P	88-04-089	388-77-825	NEW-W	88-08-038
388-57-061	REP	88-07-055	388-77-360	NEW-W	88-08-038	388-77-830	NEW-P	88-04-089
388-57-063	NEW	88-07-055	388-77-365	NEW-P	88-04-089	388-77-830	NEW-W	88-08-038
388-57-064	REP	88-07-055	388-77-365	NEW-W	88-08-038	388-77-835	NEW-P	88-04-089
388-57-066	NEW	88-07-055	388-77-370	NEW-P	88-04-089	388-77-835	NEW-W	88-08-038
388-57-067	NEW	88-07-055	388-77-370	NEW-W	88-08-038	388-77-870	NEW-P	88-04-089
388-57-070	REP	88-07-055	388-77-375	NEW-P	88-04-089	388-77-870	NEW-W	88-08-038
388-57-071	NEW	88-07-055	388-77-375	NEW-W	88-08-038	388-77-880	NEW-P	88-04-089
388-57-074	NEW	88-07-055	388-77-500	NEW-P	88-04-089	388-77-880	NEW-W	88-08-038
388-57-090	REP	88-07-055	388-77-500	NEW-W	88-08-038	388-77-900	NEW-P	88-04-089
388-57-097	AMD	88-07-055	388-77-505	NEW-P	88-04-089	388-77-900	NEW-W	88-08-038
388-57-100	AMD	88-07-055	388-77-505	NEW-W	88-08-038	388-77-905	NEW-P	88-04-089
388-57-105	NEW	88-07-055	388-77-510	NEW-P	88-04-089	388-77-905	NEW-W	88-08-038
388-57-112	NEW	88-07-055	388-77-510	NEW-W	88-08-038	388-77-910	NEW-P	88-04-089
388-57-115	NEW	88-07-055	388-77-515	NEW-P	88-04-089	388-77-915	NEW-W	88-08-038
388-57-117	NEW	88-07-055	388-77-515	NEW-W	88-08-038	388-77-920	NEW-P	88-04-089
388-57-120	AMD	88-07-055	388-77-520	NEW-P	88-04-089	388-77-920	NEW-W	88-08-038
388-57-121	REP	88-07-055	388-77-520	NEW-W	88-08-038	388-77-925	NEW-P	88-04-089
388-57-123	AMD	88-07-055	388-77-525	NEW-P	88-04-089	388-77-925	NEW-W	88-08-038
388-57-124	AMD	88-07-055	388-77-525	NEW-W	88-08-038	388-77-930	NEW-P	88-04-089
388-57-125	AMD	88-07-055	388-77-530	NEW-P	88-04-089	388-77-930	NEW-W	88-08-038
388-77-005	NEW-P	88-04-089	388-77-530	NEW-W	88-08-038	388-77-940	NEW-P	88-04-089
388-77-005	NEW-W	88-08-038	388-77-545	NEW-P	88-04-089	388-77-940	NEW-W	88-08-038
388-77-010	NEW-P	88-04-089	388-77-545	NEW-W	88-08-038	388-77-945	NEW-P	88-04-089
388-77-010	NEW-W	88-08-038	388-77-550	NEW-P	88-04-089	388-77-945	NEW-W	88-08-038
388-77-015	NEW-P	88-04-089	388-77-550	NEW-W	88-08-038	388-77-975	NEW-P	88-04-089
388-77-015	NEW-W	88-08-038	388-77-555	NEW-P	88-04-089	388-77-975	NEW-W	88-08-038
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388-77-025	NEW-P	88-04-089	388-77-560	NEW-W	88-08-038	388-78-015	NEW-P	88-06-078
388-77-025	NEW-W	88-08-038	388-77-600	NEW-P	88-04-089	388-78-020	NEW-W	88-06-078
388-77-030	NEW-P	88-04-089	388-77-600	NEW-W	88-08-038	388-78-100	NEW-P	88-06-078
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388-77-035	NEW-W	88-08-038	388-77-610	NEW-P	88-04-089	388-78-210	NEW-W	88-06-078
388-77-040	NEW-P	88-04-089	388-77-610	NEW-W	88-08-038	388-78-215	NEW-P	88-06-078
388-77-040	NEW-W	88-08-038	388-77-615	NEW-P	88-04-089	388-78-220	NEW-W	88-06-078
388-77-045	NEW-P	88-04-089	388-77-615	NEW-W	88-08-038	388-81-047	NEW	88-03-050
388-77-045	NEW-W	88-08-038	388-77-640	NEW-P	88-04-089	388-82-010	AMD-P	88-06-077
388-77-055	NEW-P	88-04-089	388-77-640	NEW-W	88-08-038	388-82-115	AMD-P	88-06-077
388-77-055	NEW-W	88-08-038	388-77-700	NEW-P	88-04-089	388-83-032	AMD-P	88-08-041
388-77-065	NEW-P	88-04-089	388-77-700	NEW-W	88-08-038	388-83-032	AMD-E	88-08-042
388-77-065	NEW-W	88-08-038	388-77-710	NEW-P	88-04-089	388-86-005	AMD-P	88-03-021
388-77-200	NEW-P	88-04-089	388-77-710	NEW-W	88-08-038	388-86-005	AMD	88-06-083
388-77-200	NEW-W	88-08-038	388-77-720	NEW-P	88-04-089	388-86-050	AMD	88-04-048
388-77-210	NEW-P	88-04-089	388-77-720	NEW-W	88-08-038	388-86-051	NEW	88-04-048
388-77-210	NEW-W	88-08-038	388-77-725	NEW-P	88-04-089	388-86-085	AMD-P	88-03-021
388-77-215	NEW-P	88-04-089	388-77-725	NEW-W	88-08-038	388-86-085	AMD	88-06-083
388-77-215	NEW-W	88-08-038	388-77-730	NEW-P	88-04-089	388-86-086	NEW-P	88-03-021
388-77-240	NEW-P	88-04-089	388-77-730	NEW-W	88-08-038	388-86-086	NEW	88-06-083
388-77-240	NEW-W	88-08-038	388-77-735	NEW-P	88-04-089	388-87-010	AMD-P	88-03-021
388-77-245	NEW-P	88-04-089	388-77-735	NEW-W	88-08-038	388-87-010	AMD	88-06-083
388-77-245	NEW-W	88-08-038	388-77-737	NEW-P	88-04-089	388-87-011	AMD-P	88-08-060
388-77-255	NEW-P	88-04-089	388-77-737	NEW-W	88-08-038	388-87-013	AMD	88-04-048
388-77-255	NEW-W	88-08-038	388-77-740	NEW-P	88-04-089	388-87-027	AMD-P	88-03-021
388-77-270	NEW-P	88-04-089	388-77-740	NEW-W	88-08-038	388-87-027	AMD	88-06-083
388-77-270	NEW-W	88-08-038	388-77-745	NEW-P	88-04-089	388-87-035	AMD-P	88-03-021
388-77-275	NEW-P	88-04-089	388-77-745	NEW-W	88-08-038	388-87-035	AMD	88-06-083
388-77-275	NEW-W	88-08-038	388-77-750	NEW-P	88-04-089	388-87-036	NEW-P	88-03-021
388-77-280	NEW-P	88-04-089	388-77-750	NEW-W	88-08-038	388-87-036	NEW	88-06-083
388-77-280	NEW-W	88-08-038	388-77-755	NEW-P	88-04-089	388-87-070	AMD	88-04-048
388-77-285	NEW-P	88-04-089	388-77-755	NEW-W	88-08-038	388-88-050	AMD	88-04-041
388-77-285	NEW-W	88-08-038	388-77-760	NEW-P	88-04-089	388-88-101	AMD	88-04-041

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-92-045	AMD-P	88-03-072	392-121-126	REP	88-03-013	392-130-080	NEW	88-04-001
388-92-045	AMD	88-06-087	392-121-127	REP	88-03-013	392-130-085	NEW	88-04-001
388-95-380	AMD-P	88-03-072	392-121-128	REP	88-03-013	392-130-090	NEW	88-04-001
388-95-380	AMD	88-06-087	392-121-129	REP	88-03-013	392-130-095	NEW	88-04-001
388-96-771	NEW-E	88-03-052	392-121-130	REP	88-03-013	392-130-100	NEW	88-04-001
388-96-771	NEW-P	88-03-053	392-121-131	REP	88-03-013	392-130-105	NEW	88-04-001
388-96-771	NEW	88-06-085	392-121-133	NEW	88-03-013	392-130-110	NEW	88-04-001
388-98-005	NEW-E	88-03-051	392-121-135	REP	88-03-013	392-130-115	NEW	88-04-001
388-98-005	NEW-P	88-03-054	392-121-136	NEW	88-03-013	392-130-120	NEW	88-04-001
388-98-005	NEW	88-06-086	392-121-140	REP	88-03-013	392-130-125	NEW	88-04-001
388-98-010	NEW-E	88-03-051	392-121-145	REP	88-03-013	392-130-130	NEW	88-04-001
388-98-010	NEW-P	88-03-054	392-121-150	REP	88-03-013	392-130-135	NEW	88-04-001
388-98-010	NEW	88-06-086	392-121-155	REP	88-03-013	392-130-140	NEW	88-04-001
388-98-015	NEW-E	88-03-051	392-121-160	REP	88-03-013	392-130-145	NEW	88-04-001
388-98-015	NEW-P	88-03-054	392-121-161	NEW	88-03-013	392-130-150	NEW	88-04-001
388-98-015	NEW	88-06-086	392-121-165	REP	88-03-013	392-130-155	NEW	88-04-001
388-98-020	NEW-E	88-03-051	392-121-170	REP	88-03-013	392-130-160	NEW	88-04-001
388-98-020	NEW-P	88-03-054	392-121-175	REP	88-03-013	392-130-165	NEW	88-04-001
388-98-020	NEW	88-06-086	392-121-176	REP	88-03-013	392-130-170	NEW	88-04-001
388-99-010	AMD-P	88-06-077	392-121-177	REP	88-03-013	392-130-175	NEW	88-04-001
388-99-020	AMD	88-05-056	392-121-180	REP	88-03-013	392-130-180	NEW	88-04-001
390-20-022	NEW-C	88-04-062	392-121-181	NEW	88-03-013	392-130-185	NEW	88-04-001
390-20-022	NEW	88-06-019	392-121-182	NEW	88-03-013	392-130-190	NEW	88-04-001
390-20-056	NEW-P	88-04-063	392-121-183	NEW	88-03-013	392-130-195	NEW	88-04-001
391-08-120	AMD-P	88-07-079	392-121-185	REP	88-03-013	392-130-200	NEW	88-04-001
391-25-090	AMD-P	88-07-080	392-121-186	REP	88-03-013	392-130-205	NEW	88-04-001
391-25-110	AMD-P	88-07-080	392-121-190	REP	88-03-013	392-139-001	AMD	88-03-007
391-25-140	NEW-P	88-07-080	392-121-195	REP	88-03-013	392-139-005	AMD	88-03-007
391-25-190	AMD-P	88-07-080	392-121-200	NEW	88-03-013	392-139-007	NEW	88-03-007
391-25-290	AMD-P	88-07-080	392-121-205	NEW	88-03-013	392-139-010	REP	88-03-007
391-25-390	AMD-P	88-07-080	392-121-210	NEW	88-03-013	392-139-016	REP	88-03-007
391-25-470	AMD-P	88-07-080	392-121-215	NEW	88-03-013	392-139-017	REP	88-03-007
391-35-020	NEW-P	88-07-081	392-121-220	NEW	88-03-013	392-139-018	REP	88-03-007
391-35-300	NEW-P	88-07-081	392-121-225	NEW	88-03-013	392-139-021	REP	88-03-007
391-45-013	REP-P	88-07-082	392-121-245	NEW	88-03-013	392-139-022	REP	88-03-007
391-45-260	NEW-P	88-07-082	392-121-250	NEW	88-03-013	392-139-026	REP	88-03-007
391-55-002	AMD-P	88-07-083	392-121-255	NEW	88-03-013	392-139-031	REP	88-03-007
391-55-033	REP-P	88-07-083	392-121-257	REP	88-03-013	392-139-036	REP	88-03-007
391-55-071	NEW-P	88-07-083	392-121-260	NEW	88-03-013	392-139-037	REP	88-03-007
391-55-400	AMD-P	88-07-083	392-121-265	NEW	88-03-013	392-139-038	REP	88-03-007
391-55-410	AMD-P	88-07-083	392-121-267	NEW	88-03-013	392-139-050	NEW	88-03-007
391-55-415	AMD-P	88-07-083	392-121-268	NEW	88-03-013	392-139-051	NEW	88-03-007
391-55-420	AMD-P	88-07-083	392-121-270	NEW	88-03-013	392-139-052	NEW	88-03-007
391-55-425	AMD-P	88-07-083	392-121-272	NEW	88-03-013	392-139-055	NEW	88-03-007
391-55-430	AMD-P	88-07-083	392-121-280	NEW	88-03-013	392-139-056	NEW	88-03-007
391-55-435	AMD-P	88-07-083	392-121-285	NEW	88-03-013	392-139-057	NEW	88-03-007
391-55-440	AMD-P	88-07-083	392-121-290	NEW	88-03-013	392-139-100	NEW	88-03-007
391-55-445	AMD-P	88-07-083	392-121-295	NEW	88-03-013	392-139-105	NEW	88-03-007
391-55-450	AMD-P	88-07-083	392-121-297	NEW	88-03-013	392-139-110	NEW	88-03-007
391-55-455	AMD-P	88-07-083	392-121-299	NEW	88-03-013	392-139-115	NEW	88-03-007
391-55-505	REP-P	88-07-083	392-121-400	NEW	88-03-013	392-139-120	NEW	88-03-007
391-65-050	AMD-P	88-07-084	392-121-405	NEW	88-03-013	392-139-122	NEW	88-03-007
391-65-074	REP-P	88-07-084	392-121-415	NEW	88-03-013	392-139-126	NEW	88-03-007
391-65-094	REP-P	88-07-084	392-121-420	NEW	88-03-013	392-139-128	NEW	88-03-007
391-95-010	AMD-P	88-07-085	392-121-425	NEW	88-03-013	392-139-130	NEW	88-03-007
391-95-030	AMD-P	88-07-085	392-121-430	NEW	88-03-013	392-139-132	NEW	88-03-007
391-95-230	AMD-P	88-07-085	392-121-440	NEW	88-03-013	392-139-134	NEW	88-03-007
392-121-001	NEW	88-03-013	392-121-442	NEW	88-03-013	392-139-150	NEW	88-03-007
392-121-003	NEW	88-03-013	392-121-445	NEW	88-03-013	392-139-152	NEW	88-03-007
392-121-007	NEW	88-03-013	392-121-460	NEW	88-03-013	392-139-154	NEW	88-03-007
392-121-021	NEW	88-03-013	392-126-003	NEW	88-03-003	392-139-156	NEW	88-03-007
392-121-031	NEW	88-03-013	392-127-003	NEW	88-03-004	392-139-158	NEW	88-03-007
392-121-033	NEW	88-03-013	392-130-005	NEW	88-04-001	392-139-160	NEW	88-03-007
392-121-101	REP	88-03-013	392-130-010	NEW	88-04-001	392-139-162	NEW	88-03-007
392-121-103	REP	88-03-013	392-130-015	NEW	88-04-001	392-139-164	NEW	88-03-007
392-121-105	REP	88-03-013	392-130-020	NEW	88-04-001	392-139-166	NEW	88-03-007
392-121-106	NEW	88-03-013	392-130-025	NEW	88-04-001	392-139-168	NEW	88-03-007
392-121-107	NEW	88-03-013	392-130-030	NEW	88-04-001	392-139-170	NEW	88-03-007
392-121-108	NEW	88-03-013	392-130-035	NEW	88-04-001	392-139-172	NEW	88-03-007
392-121-110	REP	88-03-013	392-130-040	NEW	88-04-001	392-139-174	NEW	88-03-007
392-121-111	NEW	88-03-013	392-130-045	NEW	88-04-001	392-139-176	NEW	88-03-007
392-121-115	REP	88-03-013	392-130-050	NEW	88-04-001	392-139-178	NEW	88-03-007
392-121-120	REP	88-03-013	392-130-055	NEW	88-04-001	392-139-180	NEW	88-03-007
392-121-121	REP	88-03-013	392-130-060	NEW	88-04-001	392-139-182	NEW	88-03-007
392-121-122	NEW	88-03-013	392-130-065	NEW	88-04-001	392-139-184	NEW	88-03-007
392-121-123	NEW	88-03-013	392-130-070	NEW	88-04-001	392-139-186	NEW	88-03-007
392-121-125	REP	88-03-013	392-130-075	NEW	88-04-001	392-139-200	NEW	88-03-007

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392-139-205	NEW 88-03-007	392-164-210	NEW-P 88-07-113	392-220-025	NEW-P 88-03-011
392-139-210	NEW 88-03-007	392-164-215	NEW-P 88-07-113	392-220-025	NEW-E 88-03-012
392-139-215	NEW 88-03-007	392-164-220	NEW-P 88-07-113	392-220-030	NEW-P 88-03-011
392-139-220	NEW 88-03-007	392-164-225	NEW-P 88-07-113	392-220-030	NEW-E 88-03-012
392-139-225	NEW 88-03-007	392-164-230	NEW-P 88-07-113	392-220-035	NEW-P 88-03-011
392-139-230	NEW 88-03-007	392-164-235	NEW-P 88-07-113	392-220-035	NEW-E 88-03-012
392-139-235	NEW 88-03-007	392-164-240	NEW-P 88-07-113	392-220-040	NEW-P 88-03-011
392-139-240	NEW 88-03-007	392-164-245	NEW-P 88-07-113	392-220-040	NEW-E 88-03-012
392-139-245	NEW 88-03-007	392-164-250	NEW-P 88-07-113	392-220-045	NEW-P 88-03-011
392-139-300	NEW 88-03-007	392-164-255	NEW-P 88-07-113	392-220-045	NEW-E 88-03-012
392-139-310	NEW 88-03-007	392-164-260	NEW-P 88-07-113	392-220-050	NEW-P 88-03-011
392-139-320	NEW 88-03-007	392-164-265	NEW-P 88-07-113	392-220-050	NEW-E 88-03-012
392-139-330	NEW 88-03-007	392-164-270	NEW-P 88-07-113	392-220-055	NEW-P 88-03-011
392-139-340	NEW 88-03-007	392-164-275	NEW-P 88-07-113	392-220-055	NEW-E 88-03-012
392-139-600	NEW 88-03-007	392-164-280	NEW-P 88-07-113	392-220-060	NEW-P 88-03-011
392-139-605	NEW 88-03-007	392-164-285	NEW-P 88-07-113	392-220-060	NEW-E 88-03-012
392-139-610	NEW 88-03-007	392-164-290	NEW-P 88-07-113	392-220-065	NEW-P 88-03-011
392-139-615	NEW 88-03-007	392-164-295	NEW-P 88-07-113	392-220-065	NEW-E 88-03-012
392-139-620	NEW 88-03-007	392-164-300	NEW-P 88-07-113	392-220-070	NEW-P 88-03-011
392-139-625	NEW 88-03-007	392-164-305	NEW-P 88-07-113	392-220-070	NEW-E 88-03-012
392-139-650	NEW 88-03-007	392-164-310	NEW-P 88-07-113	392-220-075	NEW-P 88-03-011
392-139-660	NEW 88-03-007	392-164-315	NEW-P 88-07-113	392-220-075	NEW-E 88-03-012
392-139-665	NEW 88-03-007	392-164-320	NEW-P 88-07-113	392-220-080	NEW-P 88-03-011
392-139-670	NEW 88-03-007	392-164-325	NEW-P 88-07-113	392-220-080	NEW-E 88-03-012
392-139-900	NEW 88-03-007	392-164-330	NEW-P 88-07-113	392-220-085	NEW-P 88-03-011
392-140-145	NEW 88-03-005	392-164-335	NEW-P 88-07-113	392-220-085	NEW-E 88-03-012
392-140-146	NEW 88-03-005	392-164-340	NEW-P 88-07-113	392-220-090	NEW-P 88-03-011
392-140-147	NEW 88-03-005	392-164-345	NEW-P 88-07-113	392-220-090	NEW-E 88-03-012
392-140-148	NEW 88-03-005	392-164-350	NEW-P 88-07-113	392-220-095	NEW-P 88-03-011
392-140-149	NEW 88-03-005	392-164-355	NEW-P 88-07-113	392-220-095	NEW-E 88-03-012
392-140-150	NEW 88-03-005	392-164-360	NEW-P 88-07-113	392-220-100	NEW-P 88-03-011
392-140-151	NEW 88-03-005	392-164-365	NEW-P 88-07-113	392-220-100	NEW-E 88-03-012
392-140-152	NEW 88-03-005	392-164-370	NEW-P 88-07-113	392-220-105	NEW-P 88-03-011
392-140-153	NEW 88-03-005	392-164-375	NEW-P 88-07-113	392-220-105	NEW-E 88-03-012
392-140-154	NEW 88-03-005	392-164-380	NEW-P 88-07-113	392-220-110	NEW-P 88-03-011
392-140-155	NEW 88-03-005	392-164-385	NEW-P 88-07-113	392-220-110	NEW-E 88-03-012
392-140-156	NEW 88-03-005	392-164-390	NEW-P 88-07-113	392-220-115	NEW-P 88-03-011
392-140-157	NEW 88-03-005	392-164-395	NEW-P 88-07-113	392-220-115	NEW-E 88-03-012
392-140-158	NEW 88-03-005	392-164-400	NEW-P 88-07-113	392-220-120	NEW-P 88-03-011
392-140-159	NEW 88-03-005	392-164-405	NEW-P 88-07-113	392-220-120	NEW-E 88-03-012
392-140-160	NEW-P 88-06-093	392-164-410	NEW-P 88-07-113	392-220-125	NEW-P 88-03-011
392-140-161	NEW-P 88-06-093	392-164-415	NEW-P 88-07-113	392-220-125	NEW-E 88-03-012
392-140-162	NEW-P 88-06-093	392-168	AMD-P 88-06-094	392-220-130	NEW-P 88-03-011
392-140-163	NEW-P 88-06-093	392-168-005	REP-P 88-06-094	392-220-130	NEW-E 88-03-012
392-140-164	NEW-P 88-06-093	392-168-105	NEW-P 88-06-094	392-220-135	NEW-P 88-03-011
392-140-165	NEW-P 88-06-093	392-168-110	NEW-P 88-06-094	392-220-135	NEW-E 88-03-012
392-140-166	NEW-P 88-06-093	392-168-115	NEW-P 88-06-094	392-220-140	NEW-P 88-03-011
392-140-167	NEW-P 88-06-093	392-168-120	NEW-P 88-06-094	392-220-140	NEW-E 88-03-012
392-140-168	NEW-P 88-06-093	392-168-125	NEW-P 88-06-094	392-220-145	NEW-P 88-03-011
392-140-169	NEW-P 88-06-093	392-168-130	NEW-P 88-06-094	392-220-145	NEW-E 88-03-012
392-140-170	NEW-P 88-06-093	392-168-135	NEW-P 88-06-094	392-220-150	NEW-P 88-03-011
392-140-171	NEW-P 88-06-093	392-168-140	NEW-P 88-06-094	392-220-150	NEW-E 88-03-012
392-140-172	NEW-P 88-06-093	392-168-145	NEW-P 88-06-094	392-220-155	NEW-P 88-03-011
392-140-173	NEW-P 88-06-093	392-168-150	NEW-P 88-06-094	392-220-155	NEW-E 88-03-012
392-140-174	NEW-P 88-06-093	392-168-155	NEW-P 88-06-094	392-310-010	NEW-P 88-03-073
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392-164-105	NEW-P 88-07-113	392-168-170	NEW-P 88-06-094	392-310-015	NEW-P 88-03-073
392-164-115	NEW-P 88-07-113	392-168-175	NEW-P 88-06-094	392-310-015	NEW-E 88-04-002
392-164-120	NEW-P 88-07-113	392-168-180	NEW-P 88-06-094	392-310-015	NEW 88-06-042
392-164-125	NEW-P 88-07-113	392-168-185	NEW-P 88-06-094	392-310-020	NEW-P 88-03-073
392-164-130	NEW-P 88-07-113	392-168-190	NEW-P 88-06-094	392-310-020	NEW-E 88-04-002
392-164-135	NEW-P 88-07-113	392-171-761	REP-P 88-07-112	392-310-020	NEW 88-06-042
392-164-140	NEW-P 88-07-113	392-171-766	REP-P 88-07-112	392-310-025	NEW-P 88-03-073
392-164-145	NEW-P 88-07-113	392-171-771	REP-P 88-07-112	392-310-025	NEW-E 88-04-002
392-164-150	NEW-P 88-07-113	392-171-776	REP-P 88-07-112	392-310-025	NEW 88-06-042
392-164-155	NEW-P 88-07-113	392-171-781	REP-P 88-07-112	399-30-040	AMD-P 88-06-045
392-164-160	NEW-P 88-07-113	392-195-010	AMD 88-03-006	400-12	NEW-C 88-04-023
392-164-165	NEW-P 88-07-113	392-195-015	AMD 88-03-006	400-12-100	NEW 88-06-053
392-164-170	NEW-P 88-07-113	392-220-005	NEW-P 88-03-011	400-12-110	NEW 88-06-053
392-164-175	NEW-P 88-07-113	392-220-005	NEW-E 88-03-012	400-12-120	NEW 88-06-053
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392-164-185	NEW-P 88-07-113	392-220-010	NEW-E 88-03-012	400-12-210	NEW 88-06-053
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