

JUNE 15, 1988

OLYMPIA, WASHINGTON

ISSUE 88-12



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This issue contains documents officially  
filed not later than June 1, 1988

## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1987 - 1988

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
87-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988
88-01	Nov 25	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 26
88-02	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 9
88-03	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 3	Feb 23
88-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 8
88-05	Jan 20	Feb 3	Feb 17	Mar 2	Mar 22
88-06	Feb 3	Feb 17	Mar 2	Mar 16	Apr 5
88-07	Feb 24	Mar 9	Mar 23	Apr 6	Apr 26
88-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
88-09	Mar 23	Apr 6	Apr 20	May 4	May 24
88-10	Apr 6	Apr 20	May 4	May 18	Jun 7
88-11	Apr 20	May 4	May 18	Jun 1	Jun 21
88-12	May 4	May 18	Jun 1	Jun 15	Jul 5
88-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
88-14	Jun 8	Jun 22	Jul 6	Jul 20	Aug 9
88-15	Jun 22	Jul 6	Jul 20	Aug 3	Aug 23
88-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
88-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
88-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
88-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
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88-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
88-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989

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

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

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

**WSR 88-12-001**  
**NOTICE OF CHANGE OF PROCEDURE**  
**DEPARTMENT OF NATURAL RESOURCES**  
 [Memorandum—May 19, 1988]

Notice is given of agency change of procedure under: Chapter 43.21C RCW, State Environmental Policy Act; chapter 197-11 WAC, SEPA rules; and Department of Natural Resources chapter 332-41 WAC, SEPA procedures.

Description of procedure to be changed: Notice of action advertising for Board of Natural Resources approval for sale of proposed timber sales, effective July 1988:

The department will stop advertising notices of action in Eastern Washington and Western Washington regional newspapers.

The department will advertise notices of action in a newspaper of general circulation in the county, city or general area where a proposal is located, as specified by: RCW 43.21C.080 (1)(a), WAC 197-11-510 (1)(b) and 332-41-510 (3)(b).

Note: This change in procedure does not require a change to existing rules. Changes in agency procedures are exempt from threshold determinations under WAC 197-11-800(20).

Filed by Roy E. Friis, Manager, Division of Timber Sales, John A. Cherberg Building, Olympia, Washington 98504.

**WSR 88-12-002**  
**PROPOSED RULES**  
**DEPARTMENT OF CORRECTIONS**  
 [Filed May 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning assault benefits for employees of the Department of Corrections, adopting chapter 137-78 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1988.

The authority under which these rules are proposed is RCW 72.01.090.

The specific statute these rules are intended to implement is RCW 72.09.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 1988.

Dated: May 18, 1988

By: Chase Riveland  
 Secretary

**STATEMENT OF PURPOSE**

Title: Chapter 137-78 WAC.

Description of Purpose: To implement RCW 72.09-240 regarding procedures for the payment of assault benefits to employees of the Department of Corrections.

Statutory Authority: RCW 72.01.090.

Statute the Rule is Intended to Implement: RCW 72.09.240.

Summary of Rules: Sets forth eligibility requirements for employees of the Department of Corrections who are victims of an assault by an offender. Provides an application process for those eligible employees who have a claim, and an appeal process if benefits are denied. Provides for a coordination of time-loss and assault benefits. This WAC clarifies eligibility for assault benefits, and sets out procedures and limitations to implement RCW 72.09.240.

Agency Personnel Responsible for Drafting the Rule: Gary Banning, Contract Administrator, Department of Corrections, 410 West 5th, P.O. Box 9699, Mailstop FN-61, Olympia, Washington 98504, 753-5770, 234-5770 scan.

Agency Personnel Responsible for Implementation and Enforcing Rules: Al Eckroth, Office of Employee Services, Department of Corrections, 410 West 5th, P.O. Box 9699, Mailstop FN-61, Olympia, Washington 98504, 753-0388, 234-0388 scan.

Person/Agency Proposing the Rule: Washington State Department of Corrections.

Comments and Recommendations: None.

Rule Change Necessary as a Result of Federal Law or State Action: No.

Small Business Impact Statement: There is no small business impact statement.

Chapter 137-78 WAC

**EMPLOYEE ASSAULT BENEFITS**

**WAC**

- |            |  |
|------------|--|
| 137-78-010 | Definitions.   |
| 137-78-020 | Eligibility.   |
| 137-78-030 | Application process.                                     |
| 137-78-040 | Conditions of reimbursement.                             |
| 137-78-050 | Medical Reports.   |
| 137-78-060 | Denial of application for assault benefits.              |
| 137-78-070 | Appeal from denial of assault benefits.                  |
| 137-78-080 | Coordination of time-loss payments and assault benefits. |

**NEW SECTION**

WAC 137-78-010 DEFINITIONS. For the purposes of this chapter the following words shall have the following meanings:

- (1) "Assault" means any willful attempt or threat to inflict injury upon the person of another, when coupled with apparent present ability to execute.
- (2) "Assault benefits" means reimbursement of employees of some of their costs attributable to being the victim of an offender assault.
- (3) "Chief, office of employee services" means the individual who is appointed by the secretary to head the office of employee services or his/her designee.
- (4) "Department" means the department of corrections.
- (5) "Employee" means any individual who is appointed by the secretary of the, and serves under the supervision and authority of the department. The term "employee" shall not include an individual performing personal services under contract.
- (6) "Offender" means any person in the custody of or subject to the jurisdiction of the department of corrections.
- (7) "Secretary" means the secretary of the department of corrections or the secretary's designee.

**NEW SECTION**

WAC 137-78-20 ELIGIBILITY. Employees are eligible to apply to the department for assault benefits if the secretary finds that each of the following has occurred:

- (1) An offender has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss one or more days of work;



(2) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(3) The assault occurred while the employee was in the performance of his/her official duties.

**Reviser's note:** The spelling 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.

**Reviser's note:** The new section above was filed by the agency as WAC 137-78-20. The new section above appears to be WAC 137-78-020, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

#### NEW SECTION

**WAC 137-78-030 APPLICATION PROCESS.** Employees who meet the requirements of WAC 137-78-020 and wish to apply to the department for assault benefits shall submit a signed request for assault benefits and a properly completed report of personal injury form (DOC 3-133(x)) to his or her supervisor within seven days of the initial visit by the employee to a licensed physician. Applications shall be reviewed through the appropriate division command. The division director shall forward the application, with appropriate recommendations, made to the office of employee services. The chief of the office of employee services shall grant or deny the request for assault benefits within ten (10) working days after receipt of the signed request and report of personal injury form but may extend that time to gather additional information.

#### NEW SECTION

**WAC 137-78-040 CONDITIONS OF REIMBURSEMENT.** (1) Assault benefits authorized under this chapter shall not continue longer than the date of termination of time-loss benefits by the department of labor and industries or three hundred sixty-five (365) consecutive days from the date of the injury, whichever date is earlier, and shall be limited to the following:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed due to the assault;

(b) For each workday missed due to assault for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay pursuant to RCW 72.09.240 and this chapter;

(c) In respect to workdays missed due to assault for which the employee shall be reimbursed compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed due to assault pursuant to RCW 72.09.240 and this chapter.

(2) While the employee is receiving assault benefits authorized under this section, the employee shall continue to be classified as a state employee and assault benefits paid shall be considered as salary and wages. Employees granted assault benefits shall accrue full annual and sick leave benefits, and insurance benefits during the time period they are approved to receive assault benefits. Employees shall receive full service credit while receiving benefits under this chapter.

(3) No employee eligible to receive or receiving benefits under this chapter shall be entitled to continue to receive benefits should the legislature revoke the reimbursement authorized under this chapter.

(4) The employee shall not be entitled to assault benefits provided in this section for any workday for which the secretary finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(5) The employee shall not be entitled to assault benefits for absences which the chief of the office of employee services believes are not justified.

#### NEW SECTION

**WAC 137-78-050 MEDICAL REPORTS.** The employee shall, at the request and sole expense of the department, submit to an independent medical examination to determine whether the employee may continue to receive assault benefits, irrespective of whether the employee continues to receive time-loss benefits from the department of labor and industries.

#### NEW SECTION

**WAC 137-78-060 DENIAL OF APPLICATION FOR ASSAULT BENEFITS.** If the employee's request for assault benefits is denied by the office of employee services, the employee may, within ten working days from the date of denial, file a petition with the office of employee services for reconsideration, stating the specific grounds upon which the application should be granted. The petition shall be in the format specified by the office of employee services. The petition shall be disposed of by the chief of the office of employee services. The petition shall be deemed to have been denied if not disposed of within twenty working days from the date the petition is filed.

#### NEW SECTION

**WAC 137-78-070 APPEAL FROM DENIAL OF ASSAULT BENEFITS.** If the employee is denied assault benefits by the department, the employee may appeal that decision to the secretary in accordance with RCW 34.04 090 through 34.04.150 and this section. The employee shall file a written petition with the office of the secretary at 410 w 5th, p o box 9699, olympia, washington 98504, within thirty days after the denial of assault benefits or within ten days after disposition of the petition for reconsideration.

**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 137-78-080 COORDINATION OF TIME-LOSS PAYMENTS AND ASSAULT BENEFITS.** (1) The employee may elect to (a) have the amount of time-loss payments received from the department of labor and industries as a result of an offender assault deducted from his or her gross salary; or (b) reimburse the department for amounts received as time-loss payments from the department of labor and industries as a result of an offender assault.

(2) Treatment of time-loss payments shall be consistent with the procedure set forth in the office of financial management's policies, regulations, and procedures manual. Employees may be paid for annual leave, compensatory time off, or holidays, and also receive workers' compensation payment for time-loss without any deduction for the time-loss payments.

(3) Any paid leave taken voluntarily by an employee during the period of assault benefits shall suspend assault benefits until the employee returns from leave status. Nothing contained within this chapter shall be construed to permit dual salary payments to the employee by the department.

**WSR 88-12-003**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 88-26—Filed May 19, 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 and commercial fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of Hood Canal shrimp are available for a limited personal use and commercial fishery.

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 May 17, 1988.

By Joseph R. Blum  
Director

#### NEW SECTION

**WAC 220-52-05300U COMMERCIAL SHRIMP SEASON—HOOD CANAL.** Notwithstanding the provisions of WAC 220-52-053, it is unlawful for any fisherman to fish for or possess shrimp taken for commercial purposes from the waters of Hood Canal south of the Hood Canal Floating Bridge except from 9:00 a.m. June 23 to 6:00 p.m. July 4, 1988.

#### NEW SECTION

**WAC 220-56-32500K PERSONAL USE SHRIMP—HOOD CANAL.** Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for or possess shrimp taken for personal use from the waters of Hood Canal south of the Hood Canal Floating Bridge except from:

9:00 a.m. May 21 to 6:00 p.m. June 5, and  
9:00 a.m. June 23 to 6:00 p.m. July 4, 1988.

The daily bag limit is 10 pounds in the shell; additional shrimp may be possessed in a frozen or processed form.

#### **WSR 88-12-004**

##### **ADOPTED RULES**

#### **EVERETT COMMUNITY COLLEGE**

[Order 88-5-3, Resolution No. 88-5-3—Filed May 19, 1988]

Be it resolved by the board of trustees of Washington Community College District V, acting at Everett Community College, that it does adopt the annexed rules relating to repeal of smoking regulations, WAC 132E-124-030, 132E-124-040, 132E-124-050 and 132E-124-060.

This action is taken pursuant to Notice No. WSR 88-08-022 filed with the code reviser on March 30, 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 May 16, 1988.

By Robert J. Drewel  
President

#### 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 88-12-005**

##### **ADOPTED RULES**

#### **EVERETT COMMUNITY COLLEGE**

[Order 88-5-3, Resolution No. 88-5-3—Filed May 19, 1988]

Be it resolved by the board of trustees of Washington Community College District V, acting at the Everett Community College campus, that it does adopt the annexed rules relating to description of central and field organization of Community College District V, amending WAC 132E-276-030.

This action is taken pursuant to Notice No. WSR 88-08-053 filed with the code reviser on April 5, 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 RCW 28B.50.040 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 May 16, 1988.

By Robert J. Drewel  
President

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 88-12-006**

**ADOPTED RULES**

**EVERETT COMMUNITY COLLEGE**

[Order 88-5-3, Resolution No. 88-5-3—Filed May 19, 1988]

Be it resolved by the board of trustees of Washington Community College District V, acting at the Everett Community College campus, that it does adopt the annexed rules relating to library code, repealing chapter 132E-168 WAC.

This action is taken pursuant to Notice No. WSR 88-08-019 filed with the code reviser on March 29, 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 May 16, 1988.

By Robert J. Drewel  
President

**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 88-12-007**

**ADOPTED RULES**

**WASHINGTON STATE UNIVERSITY**

[Order 88-1, Resolution No. 5/88/1—Filed May 19, 1988—Eff. July 1, 1988]

Be it resolved by the board of regents of Washington State University, acting at Pullman, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 504-17-220 Enforcement—Fines.
- Amd WAC 504-17-235 Enforcement, accumulated violations, wheel lock, wheel lock fines.

This action is taken pursuant to Notice No. WSR 88-07-098 filed with the code reviser on March 23, 1988. These rules shall take effect at a later date, such date being July 1, 1988.

This rule is promulgated pursuant to RCW 28B.10-.560 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 May 6, 1988.

By G. A. Hartford  
Vice-President  
Business and Finance

**AMENDATORY SECTION** (Amending Order 86-1, filed 9/10/86)

**WAC 504-17-220 ENFORCEMENT—FINES.**

(1) Schedule of fines: Parking violations will be processed by the university. Fines must be paid at university parking services in the safety building at the following rates:

- (a) Meter violation \$ 5
- (b) Overtime in time zone \$ 5
- (c) No transferable pool permit \$ 10
- (d) No parking permit \$ 15
- (e) No parking permit for this area \$ 10
- (f) No parking zone \$ 10
- (g) Improper ((parking)) display \$ ((+0)) 3
- (h) No 3 a.m.—6 a.m. parking \$ 10
- (i) Blocking traffic \$ 15
- (j) Handicap (disability) zone \$ 25
- (k) Fire zone \$ 25
- (l) Parking in reserved area \$ 25
- (m) Illegal use or alteration of permit \$ 50
- (n) All other parking violations \$ 10
- (o) Display of lost or stolen permit \$100
- (p) Wheel lock fee (see WAC 504-17-235) \$ 35

(2) Reduction of fines: ~~((Except for (m) illegal use or alteration of permit and (o) display of lost or stolen permit, fines relating to the display of a lost or stolen permit, all))~~ Fines for violations (a) and (b) paid within 24 hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on Monday to satisfy the 24-hour requirement. Mailed fines must be postmarked within 24 hours to receive the one-half reduction. If a permit holder of record neglects to display ~~((their))~~ his/her permit and receives a notice of violation for (d) no parking permit, that fine will be reduced to \$3.00 when possession of a valid parking permit is verified by the permit holder within 24 hours.

(3) Visitors: The first violation of the notices listed in WAC 504-17-220(d) (no parking permit) and (e) (no parking permit for area) issued to visitors are considered warning notices upon presentation to parking services office.

(4) Failure to pay fines: Forty-five days after issuance of a notice of violation a \$5 charge shall be added to all unpaid parking violations. If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure to pay fines may lead to towing or use of the wheel-lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

~~((5) Fine for display of lost or stolen permit. The fine for the display of a lost or stolen permit will be \$100.))~~

AMENDATORY SECTION (Amending Order 86-1, filed 9/10/86)

WAC 504-17-235 ENFORCEMENT—ACCUMULATED VIOLATIONS, WHEEL LOCK, WHEEL LOCK FEES, TOWING. (1) Any vehicle with an accumulation of three or more unpaid parking violations or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A \$35 fee will be assessed on vehicles which are immobilized with a wheel lock.

(2) Any vehicle may be towed away if the vehicle:

(a) Has been immobilized by wheel lock more than 24 hours; or

(b) Is illegally parked in a marked tow-away zone; or

(c) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked in yellow curb zones or crosswalks); or

(d) Cannot be impounded with a wheel lock device.

~~((2))~~ (3) The driver and/or owner of a towed vehicle shall pay towing and storage expenses. Any vehicle immobilized by use of the wheel lock device in excess of 24 hours in a location where towing away is impossible or impractical will be assessed a storage fee of \$5.00 for

each calendar day or portion thereof, beyond the first 24 hours. The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed. No vehicle impounded by towing or wheel lock device shall be released until the following fines are paid:

(a) All unpaid parking violation penalties against said vehicle;

(b) A \$35 wheel lock fee;

(c) All towing and storage fees.

Any vehicle impounded pursuant to these regulations in excess of 30 calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.52 RCW. A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which may be refunded after a successful appeal.

~~((2))~~ (4) An accumulation of six unpaid violations during any 12-month period, exclusive of meter violations, overtime in time zone violations, and no transferable pool permit violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations will be prohibited from parking on university property.

#### WSR 88-12-008

#### NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LICENSING (Real Estate Commission) [Memorandum—May 18, 1988]

Due to the length of the agenda the June meeting will be extended to the following day. The two day meeting will be held June 21 and 22, 1988, at the following address: Westcoast Wenatchee Center Hotel, 201 North Wenatchee Avenue, Wenatchee, WA. The meetings will begin at 9:30 a.m. until close of business.

#### WSR 88-12-009

#### EMERGENCY RULES DEPARTMENT OF FISHERIES [Order 88-23—Filed May 20, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to aquaculture disease control.

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 there is an immediate need for an

aquaculture disease inspection program, which, by statute, shall be entirely funded by revenues derived from user fees. This regulation establishes an aquaculture disease control program user fee schedule, and is temporary until public testimony can be taken and permanent regulations adopted.

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

This rule is promulgated pursuant to RCW 75.08.080 and 75.08.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 18, 1988.

By Judith Merchant  
for Joseph R. Blum  
Director

### NEW SECTION

**WAC 220-77-10000A AQUACULTURE DISEASE CONTROL—USER FEE SCHEDULE.** *The following schedule of fees is established to fund the aquaculture disease control program as provided for in RCW 75.58.020.*

(1) *General fee schedule: \$25 per hour of work time including travel time, and, if applicable, mileage and per diem at Office of Financial Management published rates.*

(2) *In addition to the general fee schedule, the following are costs for pathological examination:*

(a) <i>Virology:</i>	<i>Kidney/spleen or other tissue</i>	<i>\$15/sample</i>
	<i>Ovarian fluid</i>	<i>\$12/sample</i>
(b) <i>Bacteriology:</i>	<i>Bacterial kidney disease (FAT)</i>	<i>\$ 7/slide</i>
	<i>Culture and char- acterization</i>	<i>\$10/sample</i>
	<i>Gram strain</i>	<i>\$ 1/slide</i>
(c) <i>Parasitology:</i>	<i>C. shasta</i>	<i>\$ 1/fish</i>
	<i>M. cerebralis</i>	<i>\$ 1.50/fish</i>
		<i>&lt;30 grams</i>
		<i>\$ 2/fish</i>
		<i>30-100 grams</i>
		<i>\$ 10/fish</i>
		<i>&gt;100 grams</i>

### WSR 88-12-010

#### NOTICE OF PUBLIC MEETINGS TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—May 23, 1988]

TRANSPORTATION BUILDING  
OLYMPIA, WASHINGTON 98504

Beginning at 9:30 a.m., Friday, June 10, 1988.

Note: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to June 3, 1988.

### WSR 88-12-011

#### ATTORNEY GENERAL OPINION

Cite as: AGO 1988 No. 10

[May 17, 1988]

#### FIREARMS—CRIMES—MENTAL ILLNESS

1. A person who has been convicted of a crime of violence as defined in statute, or a felony in which a firearm was used or displayed, or a felony violation of Washington's Uniform Controlled Substances Act or an equivalent statute of another jurisdiction, remains ineligible to receive a license to carry a concealed pistol in any of the following circumstances:
  - a. the person has received a suspended sentence, the suspended sentence has terminated and the person has had civil rights restored pursuant to RCW 9.92.066;
  - b. the person has completed parole and has received a certificate of discharge pursuant to RCW 9.96.050;
  - c. the person has completed sentence and received a certificate of discharge pursuant to RCW 9.94A.220; or
  - d. the record of the person's conviction has been vacated pursuant to RCW 9.94A.230.
2. A person who has been convicted of a crime of violence as defined in statute, or a felony in which a firearm was used or displayed, or a felony violation of Washington's Uniform Controlled Substances Act, or an equivalent statute of another jurisdiction, and has been placed on probation, may or may not be eligible to receive a license to carry a concealed pistol upon completion of probation and dismissal of the indictment or information against him pursuant to RCW 9.95.240, depending on the crime involved.
3. A person who has been subject of a period of confinement for mental illness pursuant to RCW 71.05-.320 is ineligible to receive a license to carry a concealed pistol.
4. A person with a record of commitment for criminal insanity pursuant to RCW 71.05.320 is ineligible to receive a license to carry a concealed pistol.

## Requested by:

Honorable Cliff Bailey  
State Senator, 39th District  
902-1/2 First Street  
Snohomish, WA 98290

**WSR 88-12-012****ADOPTED RULES****YAKIMA VALLEY COMMUNITY COLLEGE**

[Resolution No. 88-4-3—Filed May 23, 1988]

Be it resolved by the board of trustees of Yakima Valley Community College, acting at Yakima, Washington, that it does adopt the annexed rules relating to participation of children in college activities, new section WAC 132P-40-001.

This action is taken pursuant to Notice No. WSR 88-04-024 filed with the code reviser on January 25, 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 under the general rule-making authority of the Yakima Valley Community College as authorized in RCW 28B.19.050.

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 April 7, 1988.

By Dr. Gregory Trujillo  
Chairman

**NEW SECTION**

**WAC 132P-40-001 PARTICIPATION OF CHILDREN IN COLLEGE ACTIVITIES.** It is clearly recognized by all employees that Yakima Valley Community College is owned and supported by the citizens of the state of Washington; therefore, the college is for their benefit and use. However, the college is maintained by the people for particular purposes and this regulation is intended to enhance the public's use for those purposes.

The regulations below are equally applicable to all citizens, including all employees and students at Yakima Valley Community College.

(1) It is expected that only registered students will attend any classes at Yakima Valley Community College. Exceptions to this regulation may be made by the instructor for visitors who have been invited to make a presentation or otherwise support the activity of the course. There may be rare occasions when it is appropriate for visitors to attend classes, but such attendance will occur only when the instructor has given specific, advance approval.

(2) Preteen children are not permitted to be on campus unless they are directly and completely supervised at all times by a responsible adult, or are enrolled in the

student cooperative child care program, or the Yakima Valley Community College Child Care Services.

(3) Employees are strongly urged not to bring or to invite preteen visitors to the campus, particularly during the times that the employee is on duty, unless the children are under the constant, direct supervision of another (non employee) responsible adult.

(4) Only registered students and authorized college staff/volunteers may participate on field trips, retreats, or other college authorized travel activities.

(5) Responsible adult and teenage citizens are encouraged to visit the campus so long as such visits are compatible with the mission of the college.

**WSR 88-12-013****EMERGENCY RULES****STATE BOARD OF EDUCATION**

[Order 11-88—Filed May 23, 1988]

Be it resolved by the State Board of Education, acting at the Walla Walla School District Administration Building Boardroom, Walla Walla, Washington, that it does adopt the annexed rules relating to academic requirements for teaching certificate, WAC 180-79-115.

We, the State Board of Education, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this policy affects summer school options by colleges and students and must be in place in order to avoid confusion and disruption of programming for students.

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

This rule is promulgated pursuant to RCW 28A.70-.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 20, 1988.

By Monica Schmidt  
Secretary

**AMENDATORY SECTION** (Amending Order 3-88, filed 2/17/88)

**WAC 180-79-115 ACADEMIC REQUIREMENTS FOR CERTIFICATION—TEACHERS.** Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-75-080 and 180-75-085.

(1) Initial.

(a) Candidates for the initial certificate who apply for such certificate on or before August 31, 1992, shall hold

a baccalaureate degree from a regionally accredited college or university and shall have completed the degree major in an academic field or in the teaching specialization of early childhood, elementary, reading, or special education.

(b) Candidates for the initial certificate who apply for such certificate after August 31, 1992, shall hold an approved baccalaureate degree from a regionally accredited college or university: *PROVIDED*, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79-080 (3)(a) through (e) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate on or before August 31, 1992, shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which twenty-one quarter hours (fourteen semester hours) must be taken after the first year of teaching unless such candidate holds a master's or higher degree: *PROVIDED*, That at least fifteen quarter hours (ten semester hours) must be completed at a single college or university that has a state approved teacher preparation program: *PROVIDED FURTHER*, That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates who apply for a continuing certificate after August 31, 1992, shall have completed an approved masters degree.

(c) Effective August 31, 1988, candidates who apply after such date shall have been granted or have completed the requirements for at least two subject area endorsements.

#### WSR 88-12-014

##### EMERGENCY RULES

#### STATE BOARD OF EDUCATION

[Order 12-88—Filed May 23, 1988]

Be it resolved by the State Board of Education, acting at the Walla Walla School District Administration Building Boardroom, Walla Walla, Washington, that it does adopt the annexed rules relating to Role and minimum generic standards—Educational staff associates—Counselor, WAC 180-79-180.

We, the State Board of Education, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this repealer should have been included in Administrative Order 3-88 as part of the comprehensive revision of chapter 180-79 WAC.

The existence of the section causes confusion and has been repealed by implication. This action clarifies the administrative problem resulting from conflicting laws.

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

This rule is promulgated pursuant to RCW 28A.70-.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 20, 1988.

By Monica Schmidt  
Secretary

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79-180 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATES—COUNSELOR.

#### WSR 88-12-015

##### EMERGENCY RULES

#### STATE BOARD OF EDUCATION

[Order 13-88—Filed May 23, 1988]

Be it resolved by the State Board of Education, acting at the Walla Walla School District Administration Building Boardroom, Walla Walla, Washington, that it does adopt the annexed rules relating to evidence of compliance with candidate admission and retention policies program standard, WAC 180-78-160.

We, the State Board of Education, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is section 4, chapter 252, Laws of 1988 amended the admission requirements to teacher preparation programs. Unless this requirement is in place, the new requirement will not apply to summer 1988 programs and thereby will deny admission to numerous candidates.

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

This rule is promulgated pursuant to RCW 28A.04-.120 and 28A.04.122 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 May 20, 1988.

By Monica Schmidt  
Secretary

**AMENDATORY SECTION** (Amending Order 7-88, filed 3/3/88)

**WAC 180-78-160 EVIDENCE OF COMPLIANCE WITH CANDIDATE ADMISSION AND RETENTION POLICIES PROGRAM STANDARD.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate admission and retention policies program standard of WAC 180-78-140(4):

(1) Incentives and affirmative action procedures have been established to recruit quality candidates from underrepresented groups including those from diverse economic, racial, and cultural backgrounds. Support programs are provided to assist such candidates in successfully completing the professional preparation program.

(2) Admission requirements to the professional preparation programs include:

(a) A minimum 2.5 college or university grade point average.

(b) Evidence that the candidate is competent in the basic skills required for oral and written communication and computation.

(c) A combined score of not less than the state-wide median score for the prior school year scored by all persons taking the Washington Pre-College Test (WPCT) or an equivalent standard score on the comparable portions of the Scholastic Aptitude Test (SAT) American College Test (ACT), or the Graduate Record Examination (GRE). Equivalent standard scores shall be determined by the superintendent of public instruction and affected agencies shall be notified in official bulletins of the superintendent of public instruction.

(d) **PROVIDED**, That until June 30, 1989, college and universities with approved preparation programs may permit candidates to enter the professional preparation program with a minimum composite score of eighty or more on the verbal and quantitative subtests of the WPCT or an equivalent score on the comparable portion of the SAT, ACT, or GRE.

(e) **PROVIDED FURTHER**, That persons who have completed a baccalaureate or higher degree or who are twenty-one years of age or older, who have completed two or more years of college level work, and who have demonstrated in such course work, including a written essay, the competencies set forth in (b), (c), and (d) of this subsection, shall be exempted from meeting such requirements.

(f) **PROVIDED FURTHER**, That a candidate who does not meet one of the criteria within this subsection may be admitted on probationary status if the college or university provides individual tutorial assistance to such candidate and the candidate is required to meet the above stated criteria prior to participation in a field experience and exiting from the approved preparation program.

(3) Criteria for the selection and retention of candidates are relevant to the attainment of program outcomes and available for review by applicants, students,

and faculty. These written criteria may include, but not be limited to, faculty recommendations, evidence of demonstrated competency in academic and professional work, and written recommendations from appropriate professionals in the schools.

(4) A written process exists describing the procedures for:

(a) Counseling and advising students about progress and retention in the professional preparation program.

(b) Supervision and evaluation relative to the completion of the professional preparation program.

(c) The appeal process for decisions relative to admission or retention in the professional preparation program.

(d) Providing information to candidates regarding supply and demand conditions in the candidate's field.

(e) Admission and retention of nontraditional candidates, such as midcareer candidates who wish to enter professional preparation programs, if established.

**WSR 88-12-016**

**PROPOSED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed May 23, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning WAC 392-171-761;

that the agency will at 9:00 a.m., Friday, July 8, 1988, in the Old Capitol Building, SPI, Bruno Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28A.13.070(7).

Dated: May 23, 1988

By: Frank B. Brouillet

Superintendent of Public Instruction

#### STATEMENT OF PURPOSE

Rule: Chapter 392-171 WAC.

Rule Section(s): WAC 392-171-761.

Statutory Authority: RCW 28A.13.070(7).

Purpose of the Rule(s): To repeal duplicative section.

Summary of the New Rule(s) and/or Amendments:  
[No information supplied by agency]

Reasons Which Support the Proposed Action(s): Replaced by chapter 392-168 WAC, direct complainants to new provisions.

Person or Organization Proposing the Rule(s): SBE, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, SPI, 3-2298; Implementation and Enforcement: Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by the agency]



Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by the agency]

AMENDATORY SECTION (Amending Order 83-1, filed 3/30/83)

WAC 392-171-761 RIGHT TO REGISTER AND PROCESS COMPLAINTS. (1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in ~~((WAC 392-171-761(2) through 392-171-781~~ complaint issues involve alleged violations of established laws and regulations:

~~(2) If a parent (or adult student) has a complaint which constitutes a basis in whole or in part for initiation of a due process hearing pursuant to WAC 392-171-531, a citizen complaint by that same parent (or adult student) will be held in abeyance until the hearing has been concluded.~~

~~(3) Complaints shall:~~

~~(a) Be written;~~

~~(b) Be signed by the complaining party;~~

~~(c) Set forth the specific acts, conditions, or circumstance alleged to be in violation of this chapter.~~

~~(4) The complaint may be directed to the school district alleged to be in violation or to the superintendent of public instruction.~~

~~If to the superintendent of public instruction, the complaint will be referred to the school district alleged to be in violation for action pursuant to WAC 392-171-766 through 392-171-781)) chapter 392-168 WAC.~~

**WSR 88-12-017**

**ADOPTED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 88-14—Filed May 23, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to repealing WAC 392-171-766, 392-171-771, 392-171-776 and 392-171-781.

This action is taken pursuant to Notice No. WSR 88-07-112 filed with the code reviser on March 23, 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.13.070(7) 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 May 23, 1988.

By Frank B. Brouillet  
Superintendent of Public Instruction

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-171-766 COMPLAINT DIRECTED TO SCHOOL DISTRICT AND DESIGNATION OF RESPONSIBLE SCHOOL DISTRICT EMPLOYEE.

WAC 392-171-771 SCHOOL DISTRICT INVESTIGATION OF AND RESPONSE TO COMPLAINTS DIRECTED TO THE SCHOOL DISTRICT.

WAC 392-171-776 APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

WAC 392-171-781 ACTIONS IN RESPONSE TO NOTICES OF APPEAL AND NOTICES REGISTERING COMPLAINTS.

**WSR 88-12-018**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

**(Board of Registration for Landscape Architects)**

[Order PM 726—Filed May 24, 1988]

Be it resolved by the Washington State Board of Registration for Landscape Architects, acting at Seattle, Washington, that it does adopt the annexed rules relating to licensing examination, amending WAC 308-13-032.

This action is taken pursuant to Notice No. WSR 88-06-059 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 18.96.060 and 18.96.090 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 28, 1988.

By Don Shimono  
Chairman

AMENDATORY SECTION (Amending Order PL 567, filed 11/18/85)

WAC 308-13-032 LICENSING EXAMINATION. The form of the examination required of applicants shall consist of a written and graphic examination. Subject to the provisions of RCW 18.96.090 the board adopts the Uniform National Examination, "UNE," prepared by the Council of Landscape Architectural Registration Boards (CLARB) as its examination, to test the applicant's qualifications and minimum competency for registration.

The board shall periodically, and in no event not less than once every year, review the passing grade score established by CLARB to ensure that such score conforms with the provisions of RCW 18.96.090. The board may convert raw scores received from CLARB to conform to the passing grade percentage established in RCW 18.96.090.

(1) Procedure for admittance to the "UNE":

(a) Upon completion of the qualifications for admittance to the "UNE" under WAC 308-13-020, submit

the completed application provided by the board, including fees. The complete application, including fees, must be postmarked by March 15th or earlier to be considered for the next scheduled examination.

(b) No application fee will be refunded because of withdrawal from the examination.

(c) Examination fees are refundable when notice of withdrawal is given prior to the examination application deadline, March 15th.

(d) A completed application includes:

(i) Green application form LA 656-3 with notarization;

(ii) Three landscape architect references;

(iii) Two references from related design professionals;

(iv) Transcript of academic experience showing courses taken and degree awarded;

(v) Verification of work experience;

(vi) Application and examination fees.

(e) Notice of acceptance, along with preexamination information, will be mailed to accepted applicants approximately six weeks in advance of the examination, accompanied by specific details regarding the time and place of the examination.

The written examination, the "UNE," is administered over a two-day period in June each year. The examinees are tested on their ability to exercise value judgments in actual landscape architecture situations.

(2) Examination scoring:

(a) The written parts of the examination are machine scored. The graphic parts of the examination are graded in a manner prescribed by the landscape architect board members.

(b) To pass the examination, an applicant must achieve a passing score of seventy-five percent on each of the six sections of the examination. ~~((The minimum passing score is seventy in any subject, when an average score of all sections is seventy-five percent of a possible one hundred percent.))~~

(c) Applicants are notified of their grades by mail. No grades are given by telephone.

(d) Reexamination information is given on the examination grade sheet. NO OTHER NOTICE MAY BE GIVEN. See WAC 308-13-025 for reexamination information.

### WSR 88-12-019

#### ADOPTED RULES

#### DEPARTMENT OF AGRICULTURE

#### (Wheat Commission)

[Order 88-01—Filed May 24, 1988]

Be it resolved by the Washington Wheat Commission, acting at the Office of the Washington Wheat Commission, 404 Great Western Building, West 905 Riverside, Spokane, WA 99201, that it does adopt the annexed rules relating to amend 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. Also delete old mailing address.

This action is taken pursuant to Notice No. WSR 88-08-061 filed with the code reviser on April 6, 1988.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 15.66.140(2) 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 May 18, 1988.

By Edward J. Johnson  
Chairman

#### 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 88-12-020

#### PROPOSED RULES

#### WHATCOM COMMUNITY COLLEGE

[Filed May 24, 1988]

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

New	ch. 132U-104	WAC	Meetings of the board of trustees.
New	ch. 132U-120	WAC	Student rights and responsibilities.
New	ch. 132U-122	WAC	Withholding services for outstanding debts.
New	ch. 132U-140	WAC	Use of facilities.
New	ch. 132U-276	WAC	Access to public records.
New	ch. 132U-280	WAC	Family Educational Rights and Privacy Act.
New	ch. 132U-300	WAC	Grievances—Discrimination.
New	ch. 132U-325	WAC	State Environmental Policy Act.

Rep ch. 132U-04 WAC Board of trustees—Bylaws.  
 Rep ch. 132U-10 WAC Access to public records and documents at Whatcom Community College.  
 Rep ch. 132U-36 WAC Environmental Policy Act rules.  
 Rep ch. 132U-40 WAC Grievance rules.  
 Rep ch. 132U-80 WAC Faculty employment.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 14, 1988, at 2 p.m.

The authority under which these rules are proposed is RCW 28B.50.130 and [28B.50].140.

The specific statute these rules are intended to implement is RCW 28B.50.140 (10) and (14).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 9, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-07-029 filed with the code reviser's office on March 9, 1988.

Dated: May 20, 1988  
 By: Wendy K. Bohlke  
 Assistant Attorney General

**WSR 88-12-021**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
**(Design Committee)**  
 [Memorandum—May 23, 1988]

The Design Committee of the Washington State Convention and Trade Center will meet on Wednesday, June 1, 1988, at 11:45 a.m., at the Plymouth Congregational Church, Room 221, 1217 6th Avenue, in downtown Seattle.

The regular meeting of the board of directors of the Washington State Convention and Trade Center will begin at 3:00 p.m., on the same date and at the same location.

**WSR 88-12-022**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1988 No. 11**  
 [May 20, 1988]

**RECORDING CONVERSATIONS—EMERGENCIES—CENTRAL DISPATCH**

1. Communications between 911 Central Dispatch and law enforcement or fire personnel are generally not "private communications" under RCW 9.73.030, but in isolated cases could be "private."
2. When a communication to 911 Central Dispatch from a citizen is interrupted or incomplete, a return call from Central Dispatch to the citizen to obtain further information may be recorded without the consent of all parties to the call.
3. RCW 9.73.030(2) permits the recording of a communication from 911 Central Dispatch to a private

citizen to warn of imminent danger such as fire, prowlers, or other criminal activity, if one party to the communication consents to the recording.

**Requested by:**

Honorable Paul Klasen  
 Prosecuting Attorney  
 Grant County  
 P.O. Box 37  
 Ephrata, Washington 98823

**WSR 88-12-023**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**  
 [Order 88-3—Filed May 25, 1988]

I, Greg Pierce, deputy director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food products, amending WAC 458-20-244.

I, Greg Pierce, 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 amendments to this rule are proposed on an emergency basis as necessary for the preservation of the general welfare of taxpayers affected by its changes. The effective date of the legislation being implemented is June 1, 1988, which immediacy requires that implementation guidelines be adopted and published before opportunity for full public hearing on this rule. Further delay would be contrary to public interest because sellers and buyers of food products would not fully understand their tax liabilities or their entitlement to tax exemption. Public hearing of the rule and a full opportunity to present views will be provided within 60 days from the date of filing and emergency adoption.

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 Revenue as authorized in RCW 82.32.300.

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 May 25, 1988.

By Greg Pierce  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 87-6, filed 9/22/87)

**WAC 458-20-244 FOOD PRODUCTS.** ((+)) ~~Food products purchased for human consumption away from the premises of the seller are exempt from retail sales tax and use tax. (RCW 82.08.0293 and 82.12.0293). See subsection (6) of this section for special tax~~

~~exemption provisions regarding purchases of "eligible foods" with food stamps, effective October 1, 1987. There is no food products exemption for business and occupation tax.~~

~~(2) Definitions:~~

~~(a) The word "tax" as used hereafter in this section means retail sales tax.~~

~~(b) "Food products" include generally those products normally ingested by humans for nourishment. The term also includes livestock sold for personal consumption as food. The term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.~~

~~(c) "Eligible foods" means food which may be purchased with food stamps under the Food Stamp Act of 1977.~~

~~(3) The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:~~

~~(a) The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (PL 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;~~

~~OR,~~

~~(b) The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;~~

~~OR,~~

~~(c) The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument, the tax will apply if either circumstances (a) or (b) of this subsection are present.~~

~~(4) Vendors who are required to collect tax:~~

~~(a) Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is presumed to occur where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters, trays, glasses, dishes, or tableware (whether reusable or not), or a nearby parking~~

~~area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws, or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.~~

~~(b) In the case of vending machine operators, the sale of food products is subject to tax. The selling price of food products sold by vending machine operators is fifty-seven percent of the gross receipts, except for hot prepared food products for which the selling price is one hundred percent of the gross receipts. Vending machine operators are not required to collect the tax from buyers or to separately state the tax.~~

~~(c) Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in (a) of this subsection.~~

~~(5) Exempt and taxable sales. The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all inclusive. The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption at the seller's premises as described earlier. These examples do not apply to purchases made with food stamps. See subsection (6) of this section for special food stamp provisions.~~

**TAX EXEMPT FOOD PRODUCTS**

_____	Baby foods	_____	Marshmallows
Bakery products	_____	_____	Mayonnaise
Baking soda	_____	_____	Meat, meat products
Bouillon cubes	_____	_____	Milk, milk products
Candy	_____	_____	Mustard
Cereal products	_____	_____	Noncarbonated soft drinks
Chocolate	_____	_____	Nuts
Cocoa	_____	_____	Oleomargarine
Coffee and coffee substitutes	_____	_____	Olives, olive oil
Condiments	_____	_____	Peanut butter
Crackers	_____	_____	Popcorn
*Diet food	_____	_____	Popsicles
Eggs, egg products	_____	_____	Potato chips
Extracts and flavoring for food	_____	_____	Powdered drink mixes
Fish, fish products	_____	_____	Sandwich spreads
Flour	_____	_____	Sauces
Food coloring	_____	_____	Sherbet
Frozen foods	_____	_____	Shortening
Fruit, fruit products	_____	_____	Soup
Gelatin	_____	_____	Sugar, sugar products;
*Health foods	_____	_____	sugar substitutes
Honey	_____	_____	Syrups
Ice cream, toppings	_____	_____	Tea
Jam, jelly, jello	_____	_____	Vegetables, vegetable products
_____	_____	_____	Yeast

**TAXABLE NONFOOD PRODUCTS**

<del>Alcoholic beverages</del>	<del>First aid products</del>
<del>Aspirin</del>	<del>Ice, bottled water</del>
<del>Beer or wine-making supplies</del>	<del>(mineral or otherwise)</del>
<del>Calcium tablets</del>	<del>Mouthwashes</del>
<del>Carbonated beverages</del>	<del>Nonedible cake decorations</del>
<del>Chewing tobacco</del>	<del>Nonprescription medicines</del>
<del>Cod liver oil</del>	<del>Patent medicines</del>
<del>Cough medicines (liquid or lozenge)</del>	<del>Pet food and supplies</del>
<del>Dietary supplements or adjuncts</del>	<del>Seeds and plants for gardens</del>
	<del>Tonics, vitamins</del>
	<del>Toothpaste</del>

\*Note: Sales of dietary supplements which are subject to regulation by the United States Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide fifty percent or more of the United States Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving. Health foods or dietary preparations containing less than fifty percent of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter 1, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are "dietary supplements." Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing. Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy. Dietary adjuncts are not tax exempt food products. For more information concerning sales of dietary supplements, see Excise Tax Bulletin 514.08.244.

(6) Purchases with food stamps. Effective October 1, 1987, special guidelines apply to purchases of eligible food with food stamps.

(a) All food items which are legally purchased with food stamps under the Food Stamp Act of 1977 ("eligible foods") are exempt of state sales tax and use tax.

(b) Before October 1, 1987, some food items have been subject to tax, whether or not purchased with food stamps, because they are not defined as "food products" under the exemption statutes. Examples are carbonated soft drinks, dietary supplements, garden seeds, and bottled water. All such items purchased with food stamps are now tax exempt. Thus, some items are now tax exempt when they are purchased with food stamps even though they are not defined as tax exempt "food products."

(c) When both food stamps and cash (or check) are used to make purchases, the food stamps must be applied first to "eligible foods" which are not otherwise tax exempt under RCW 82.08.0293 (those listed above as "taxable nonfood products," e.g., dietary supplements, carbonated beverages, etc.). The cash or check portion of the purchase price must then be applied to items listed above which qualify as "tax exempt food products." The intent is to always apply the stamps and cash in such a way as to provide the greatest possible amount of sales tax exemption under the law.

(d) The obligation rests with the seller to determine which items are eligible for purchase with food stamps.

(e) Under no circumstance is any item eligible for tax exemption as a food product, whether or not purchased with food stamps, if it is not intended for human consumption or for growing food for human consumption.

(f) The following examples show how the tax exemptions apply in cases where a mixed purchase of ten dollars each is made for meat (a food product), dietary supplements (an eligible food), and soap (a nonfood item). A tax rate of 7.8% is used for these examples.

(i) A customer pays the thirty dollar selling price with ten dollars worth of food stamps and twenty dollars cash. The stamps are applied to the dietary supplements, making them tax exempt. The cash is used for the meat and soap. The result is that sales tax is due only on the soap, in the amount of .78¢ (7.8% x \$10.00 worth of soap).

(ii) The customer pays with five dollars in stamps and twenty-five dollars in cash. Again, the stamps are applied against the dietary supplements, leaving five dollars of their value to be purchased with cash. The meat is tax exempt and the soap and the rest of the dietary supplements are taxable. Tax is due in the amount of \$1.78 (7.8% x \$15.00 worth of soap and supplements).

(iii) The customer pays with fifteen dollars in stamps and fifteen dollars in cash. The stamps are applied first to the supplements (ten dollars worth) and then to the meat (five dollars worth). The cash applies to the rest of the meat and the soap. The tax due is .78¢ (7.8% x \$10.00 worth of soap).

(iv) The customer pays with thirty dollars worth of stamps. Again, tax is due only on the soap (.78¢).

(v) The customer pays with one dollar worth of stamps and twenty-nine dollars cash. The stamps are applied against the supplements, leaving nine dollars worth of taxable supplements. The meat purchase is still totally tax exempt. Tax is due upon the soap and the rest of the supplements, for a total of \$1.48 (7.8% x \$19.00).

(vi) The customer pays the entire bill with cash or check. Tax is due upon the soap and supplements, for a total of \$1.56 (7.8% x \$20.00).

(7) Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt actually qualify for exemption under this rule and the law.

(8) Combination business. Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see subsection (4) of this section, "Vendors who are required to collect tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their accounting records and sales receipts segregated between the two businesses. If the two businesses are commingled in accounting, all sales will be deemed subject to tax.

(9) Combination packages. When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately, if the price is a lump sum, the tax applies to the entire price.

(10) However, promotional give-aways of nonfood items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is

simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).

(11) Commissaries or grocery shops in institutions or other restricted (not open to the public) areas. Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.

(12) Other food vendors. Special provisions govern certain food vendors, as follows:

(a) Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see WAC 458-20-119.

(b) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.

(c) Religious, charitable, benevolent, and nonprofit service organizations, see WAC 458-20-169.

(13) Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:

(a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.

(b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.

(c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program.

(d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by WAC 458-20-166.

(14) Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances other than furnishing them in connection with services in the four situations described above are governed by WAC 458-20-119. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax.

(15) Special food sales situations. For unique situations involving food sales for home or office delivery,

sales from vending vans, certain combination businesses, and food sales at shopping malls, see Excise Tax Bulletin 528.08.244.

(16) Use tax. All of the foregoing provisions of this section dealing with sales tax are equally applicable with respect to the use tax of chapter 82.12 RCW.

Effective July 1, 1983: (1) Introduction. Effective on June 1, 1988, the law is changed regarding the exemption of retail sales tax and use tax on food products. Formerly, sales of food products were sometimes taxable depending upon how and where the products were sold. Under the changes in the law the intent is to tax such product sales or exempt them from tax in a uniform and consistent manner so that the tax either applies or not equally for all sellers and buyers. Generally, it is the intent of the law, as amended, to provide the exemption for groceries and other unprepared food products with some specific exclusions. It is the intent of the law to tax the sales of meals and food prepared by the seller regardless of where it is served or delivered to the buyer. Again, there are some specific exclusions. This section provides the guidelines for determining if food product sales are taxable or exempt of tax under the changed law. It also explains special tax exemption provisions for food purchased with food stamps.

(2) Definitions. As used herein and for purposes of the sales tax and use tax exemptions, the following definitions apply:

(a) "Food products" means only substances, products, and byproducts sold for use as food or drink by humans. The term includes, but is not limited to, the following items:

Baby foods, formulas	Baking soda and powder
Bakery products	Bouillon cubes
Candy	Meat, meat products,
Cereal products	including livestock sold
Chewing gum	for human consumption
Chocolate	Milk, milk products
Cocoa	Mustard
Coffee and coffee	Noncarbonated soft drinks
substitutes	Nuts
Condiments	Oleomargarine
Crackers	Olives, olive oil
Dietfood, not including	Peanut butter
dietary supplements or	Popcorn
adjuncts	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for	Powdered drink mixes
food	Salt and salt substitutes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup
Gelatin	Spices and herbs
Honey	Sugar, sugar products, sugar
Ice cream, toppings	substitutes
Jam, jelly, jello	Syrups
Marshmallows	Tea
Mayonnaise	Vegetables, vegetable products
Yeast	

(b) "Nonfood products" means certain substances which may be sold at food and grocery stores and which may be ingested by humans but which are not treated as food for purposes of the tax exemptions. Tax exempt

food products do not include any of the following non-food products:

Alcoholic beverages	Ice, bottled water (mineral or otherwise)
Aspirin	Aspirin
Beer or wine making supplies	Mouthwashes
Breeding stock	Nonedible cake decorations
Calcium tablets	Nonprescription medicines
Carbonated beverages	Patent medicines
Chewing tobacco	Pet food and supplies
Cod liver oil	Seeds and growing plants including edible plants
Cough medicines (liquid or lozenge)	Tobacco products
Dietary supplements or adjuncts as defined below	Tonics, vitamins
First-aid products	Toothpaste

(c) "Dietary supplements or adjuncts" are medicines or preparations in liquid, powdered, granular, tablet, capsule, lozenge, or pill form taken in addition to natural or processed foods in order to meet special vitamin or mineral needs. Dietary supplements or adjuncts are not food products entitled to tax exemption. However, the term "dietary supplements or adjuncts" does not include products whose primary purpose is to provide the complete nutritional needs of persons who cannot ingest natural or processed foods. Also, this term does not include food in its raw or natural state which has been merely dried, frozen, liquified, fortified, or otherwise merely changed in form rather than content.

Such substances as dried milk, powdered spices and herbs, brewers yeast, desiccated liver, powdered kelp, herbal extracts, and the like are not dietary supplements or adjuncts subject to tax.

(d) "Eligible foods," as used in subsection (10) of this section, means any food which can be purchased with food stamps under the Federal Food Stamp Act of 1977. "Eligible foods" include any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods or hot food products prepared for immediate consumption. The term also includes seeds and plants used to grow foods for personal consumption (7 U.S.C.A. U 2012). Thus some substances are "eligible foods" which are defined above as "non-food products."

(3) Business and occupation tax. There is no general tax exemption for sales of food or food products for B&O tax purposes. The gross proceeds of sales of food are subject to the wholesaling or retailing classification of B&O tax, as the case may be.

(4) Retail sales tax – Taxable sales. Sales of food products are subject to retail sales tax under any of the following circumstances:

(a) Effective June 1, 1988, sales by any retail vendor of any food handled on the vendor's premises which by law requires the vendor to have a food and beverage service worker's permit under RCW 69.06.010 (handling unwrapped or unpackaged food) are subject to sales tax. Such sales include, but are not limited to, sandwiches prepared or chicken cooked on the premises, deli trays, home delivered pizzas or meals, and salad bars. However, certain sales of foods which require a permit are expressly excluded from taxation. See subsection (5)(a) of this section.

(b) Food products sold for consumption within a place, the entrance to which is subject to an admission charge, except for national or state parks or monuments, are subject to sales tax.

(i) Example. Food of any kind sold at a snack bar, food stand, restaurant, or by individual roving food vendors inside a sports arena, theater, or similar place of amusement or recreation which charges admission is subject to sales tax.

(ii) Even sales of food products within national or state parks where admission is charged are subject to retail sales tax upon any food the preparation of which requires the retail vendor to have a permit specified in (a) of this subsection.

(c) Sales of baked goods as a part of meals or with beverages in unsealed containers are subject to sales tax. (However, see the provision for combination businesses in subsection (6) of this section.)

(d) Vending machine sales. Sales of any food products dispensed by vending machines are subject to sales tax under a formula which requires the tax to be reported and paid by the vending machine owner or operator upon fifty-seven percent of the gross receipts from such machines. However, sales tax must be reported and paid upon one hundred percent of the gross receipts of vending machines which dispense hot prepared food products, e.g., hot coffee, soups, tea, chocolate, etc.

(i) It is not required that food vending machines be posted with prices separately showing the sales tax amount or rate charged.

(ii) The retail sales tax may be factored out of the gross receipts of such vending machines to derive the measure for reporting B&O tax.

(5) Retail sales tax – Exempt sales. RCW 82.08.0293 exempts sales of food products for human consumption from the retail sales tax except for the taxable sales described in subsection (4) of this section.

(a) Sales of the following food products are exempt of sales tax even though sold by a person required to have a food handler's permit (i.e., handling unwrapped or un-packaged foods):

(i) Raw meat prepared by persons who slaughter animals, including fish and fowl, or dress or wrap slaughtered raw meat such as fish mongers, butchers, or meat wrappers;

(ii) Meat and cheese sliced and/or wrapped, in any quantity determined by the buyer, sold by vendors such as meat markets, delicatessens, and grocery stores;

(iii) Baked goods sold by bakeries which sell no food products other than baked goods, including bakeries located in grocery stores. (See the provision for combination businesses in subsection (6) of this section);

(iv) Bulk food products sold from bins or barrels, including but not limited to, flour, fruits, vegetables, sugar, salt, candy, chips, and cocoa;

(v) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6);

(vi) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit



organization organized under chapter 24.03 or 24.12 RCW.

(b) Retailers of food products must keep adequate records to demonstrate that any sales claimed to be tax exempt qualify for exemption as explained above.

(6) Combination businesses. Persons operating a combination of two kinds of food sales businesses at one location are required to keep their accounting records and sales receipts segregated between taxable and tax exempt sales.

(a) Examples of combination businesses are:

(i) A grocery store with a lunch counter or salad-deli bar.

(ii) A bakery which sells baked goods "to go" and also sells baked goods with meals or beverages in unsealed containers.

(b) Combination businesses must collect and report retail sales tax upon their charges for meals and servings of food which require such businesses to have a food handler's permit.

(c) It is sufficient segregation for accounting purposes if cash registers or electronic checking machines are programmed to identify and separately tax food products which are not tax exempt.

(d) If the combined food businesses are commingled in accounting, all sales of food products will be deemed subject to sales tax.

(7) Combination and specialty packages. When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the sales tax applies to the entire price.

(8) Promotional items. Nonfood items given to buyers to promote food product sales such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of crystal ware containing candy or nuts is fully subject to sales tax).

(9) Food vending vans. Food products sales from vehicular vending vans are taxable or exempt of retail sales tax in the same manner as food sales at grocery stores. Thus, sales of candy bars, gum, or any prewrapped food products which are prepackaged by a manufacturer other than the retail vendor operating the van are exempt of retail sales tax. Sales of any unwrapped or unpackaged food items, including but not limited to, hotdogs, sandwiches, bakery items, soups, and hot or cold beverages as well as sales of hot food cooked or heated by the retail vendor are subject to sales tax.

(10) Food stamps. Sales of "eligible foods," as defined earlier, which are purchased with food stamps are exempt of retail sales tax.

(a) When both food stamps and cash (or check) are used to make purchases, the food stamps must be applied first to "eligible foods" which are not otherwise tax exempt "food products," for example, dietary supplements, carbonated beverages, garden seeds, bottled water, and ice. The cash or check portion of the purchase price must then be applied to items listed above which qualify as tax exempt food products. The intent is to always apply the stamps and cash in such a way as to provide the greatest possible amount of sales tax exemption under the law.

(b) The obligation rests with the seller to determine which items are eligible for purchase with food stamps.

(c) The following examples show how the tax exemptions apply in cases where a purchase of ten dollars each is made for meat (a food product), dietary supplements (an eligible food), and soap (a nonfood item) using both food stamps and cash. A tax rate of 7.8% is used for these examples.

(i) A customer pays the thirty dollar selling price with ten dollars worth of food stamps and twenty dollars cash. The stamps are applied to the dietary supplements, making them tax exempt. The cash is used for the meat and soap. The result is that sales tax is due only on the soap, in the amount of .78 (7.8% x \$10.00 worth of soap).

(ii) The customer pays with five dollars in stamps and twenty-five dollars in cash. Again, the stamps are applied against the dietary supplements, leaving five dollars of their value to be purchased with cash. The meat is tax exempt and the soap and the rest of the dietary supplements are taxable. Tax is due in the amount of \$1.78 (7.8% x \$15.00 worth of soap and supplements).

(iii) The customer pays with fifteen dollars in stamps and fifteen dollars in cash. The stamps are applied first to the supplements (ten dollars worth) and then to the meat (five dollars worth). The cash applies to the rest of the meat and the soap. The tax due is .78 (7.8% x \$10.00 worth of soap).

(11) Use tax on food. The provisions of the use tax of chapter 82.12 RCW apply for taxation or tax exemption under the same circumstances outlined above regarding retail sales tax. (See RCW 82.12.0293.) The use tax applies under any circumstance where the retail sales tax is due upon food sales in this state but the sales tax has not been paid for any reason.

(12) Other food and meals vendors. Specific provisions govern certain persons who sell food and prepared meals. See the following referenced sections for provisions regarding:

(a) Restaurants and transportation companies (e.g., air, rail, water) and other businesses or groups furnishing meals to employees, guests, patients, students, etc., see WAC 458-20-119.

(b) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.

(c) Religious, charitable benevolent, and nonprofit service organizations, see WAC 458-20-169.



**WSR 88-12-024**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed May 25, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning food products, amending WAC 458-20-244;

that the agency will at 9:30 a.m., Tuesday, July 12, 1988, in the 4th Floor Revenue Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 19, 1988.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.08.0293 and 82.12.0293.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 12, 1988.

Dated: May 25, 1988

By: Greg Pierce  
Deputy Director

### STATEMENT OF PURPOSE

Title: WAC 458-20-244 Food products.

Description of Purpose: To implement the provisions of chapter 103, Laws of 1988 (HB 1507) which amends RCW 82.08.0293 and 82.12.0293, effective June 1, 1988, by providing new and additional criteria for the exemption of retail sales tax and use tax upon sales and uses of defined food products. To equalize tax liabilities upon sales and uses of certain foods which are not entitled to exemption. To clarify the distinction between exempt food products and nonexempt dietary supplements and adjuncts. To reorganize and reformat the existing rule provisions for clarity.

Statutory Authority: RCW 82.32.300 and HB 1507, chapter 103, Laws of 1988.

Specific Statute(s) Rule is Intended to Implement: RCW 82.08.0293 and 82.12.0293.

Reasons Supporting Proposed Action: Implementation guidelines for buyers and sellers of food products to fully understand their tax liabilities or their entitlement to tax exemption. The effective date of the legislation being implemented is June 1, 1988, which required adopting the rule on May 25, 1988, on an emergency basis.

Agency Personnel Responsible for Drafting: Anne Frankel, 415 General Administration Building, Olympia, WA 98504, phone 753-5526; Implementation: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

#### AMENDATORY SECTION (Amending Order 87-6, filed 9/22/87)

WAC 458-20-244 FOOD PRODUCTS. ((+)) Food products purchased for human consumption away from the premises of the seller are exempt from retail sales tax and use tax. (RCW 82.08.0293 and 82.12.0293). See subsection (6) of this section for special tax exemption provisions regarding purchases of "eligible foods" with food

stamps, effective October 1, 1987. There is no food products exemption for business and occupation tax.

(2) Definitions:

(a) The word "tax" as used hereafter in this section means retail sales tax.

(b) "Food products" include generally those products normally ingested by humans for nourishment. The term also includes livestock sold for personal consumption as food. The term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.

(c) "Eligible foods" means food which may be purchased with food stamps under the Food Stamp Act of 1977.

(3) The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:

(a) The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (PL 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

OR;

(b) The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

OR;

(c) The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument, the tax will apply if either circumstances (a) or (b) of this subsection are present.

(4) Vendors who are required to collect tax:

(a) Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is presumed to occur where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters; trays, glasses, dishes, or tableware (whether reusable or not), or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws, or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.

(b) In the case of vending machine operators, the sale of food products is subject to tax. The selling price of food products sold by vending machine operators is fifty-seven percent of the gross receipts, except for hot prepared food products for which the selling price is one hundred percent of the gross receipts. Vending machine operators are not required to collect the tax from buyers or to separately state the tax.

(c) Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in (a) of this subsection.

(5) Exempt and taxable sales. The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all-inclusive. The exempt products listed are exempt when sold for off

premises consumption but are taxable if sold for immediate consumption at the seller's premises as described earlier. These examples do not apply to purchases made with food stamps. See subsection (6) of this section for special food stamp provisions.

## TAX-EXEMPT FOOD PRODUCTS

Baby foods	Marshmallows
Bakery products	Mayonnaise
Baking soda	Meat, meat products
Bouillon cubes	Milk, milk products
Candy	Mustard
Cereal products	Noncarbonated soft drinks
Chocolate	Nuts
Cocoa	Oleomargarine
Coffee and coffee substitutes	Olives, olive oil
Condiments	Peanut butter
Crackers	Popcorn
*Diet food	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for food	Powdered drink mixes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup
Gelatin	Sugar, sugar products,
*Health foods	sugar substitutes
Honey	Syrups
Ice cream, toppings	Tea
Jam, jelly, jello	Vegetables, vegetable products
	Yeast

## TAXABLE NONFOOD PRODUCTS

Alcoholic beverages	First aid products
Aspirin	Ice, bottled water
Beer or wine-making supplies	(mineral or otherwise)
Calcium tablets	Mouthwashes
Carbonated beverages	Nonedible cake decorations
Chewing tobacco	Nonprescription medicines
Cod liver oil	Patent medicines
Cough medicines (liquid or lozenge)	Pet food and supplies
*Dietary supplements or adjuncts	Seeds and plants for gardens
	Tonics, vitamins
	Footpaste

\*Note. Sales of dietary supplements which are subject to regulation by the United States Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide fifty percent or more of the United States Recommended Daily Allowance (U.S.-RDA) of essential vitamins and minerals per serving. Health foods or dietary preparations containing less than fifty percent of U.S.-RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter I, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are dietary supplements. Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing. Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy. Dietary adjuncts are not tax exempt food products. For more information concerning sales of dietary supplements, see Excise Tax Bulletin 514.08.244.

(6) Purchases with food stamps. Effective October 1, 1987, special guidelines apply to purchases of eligible food with food stamps:

(a) All food items which are legally purchased with food stamps under the Food Stamp Act of 1977 ("eligible foods") are exempt of state sales tax and use tax.

(b) Before October 1, 1987, some food items have been subject to tax, whether or not purchased with food stamps, because they are not defined as "food products" under the exemption statutes. Examples are carbonated soft drinks, dietary supplements, garden seeds, and bottled water. All such items purchased with food stamps are now tax exempt. Thus, some items are now tax exempt when they are purchased with food stamps even though they are not defined as tax exempt "food products."

(c) When both food stamps and cash (or check) are used to make purchases, the food stamps must be applied first to "eligible foods" which are not otherwise tax exempt under RCW 82.08.0293 (those listed above as "taxable nonfood products," e.g., dietary supplements, carbonated beverages, etc.). The cash or check portion of the purchase price must then be applied to items listed above which qualify as "tax exempt food products." The intent is to always apply the stamps and

cash in such a way as to provide the greatest possible amount of sales tax exemption under the law.

(d) The obligation rests with the seller to determine which items are eligible for purchase with food stamps.

(e) Under no circumstance is any item eligible for tax exemption as a food product, whether or not purchased with food stamps, if it is not intended for human consumption or for growing food for human consumption.

(f) The following examples show how the tax exemptions apply in cases where a mixed purchase of ten dollars each is made for meat (a food product), dietary supplements (an eligible food), and soap (a nonfood item). A tax rate of 7.8% is used for these examples.

(i) A customer pays the thirty dollar selling price with ten dollars worth of food stamps and twenty dollars cash. The stamps are applied to the dietary supplements, making them tax exempt. The cash is used for the meat and soap. The result is that sales tax is due only on the soap, in the amount of .78¢ (7.8% x \$10.00 worth of soap).

(ii) The customer pays with five dollars in stamps and twenty-five dollars in cash. Again, the stamps are applied against the dietary supplements, leaving five dollars of their value to be purchased with cash. The meat is tax exempt and the soap and the rest of the dietary supplements are taxable. Tax is due in the amount of \$1.78 (7.8% x \$15.00 worth of soap and supplements).

(iii) The customer pays with fifteen dollars in stamps and fifteen dollars in cash. The stamps are applied first to the supplements (ten dollars worth) and then to the meat (five dollars worth). The cash applies to the rest of the meat and the soap. The tax due is .78¢ (7.8% x \$10.00 worth of soap).

(iv) The customer pays with thirty dollars worth of stamps. Again, tax is due only on the soap (.78¢).

(v) The customer pays with one dollar worth of stamps and twenty-nine dollars cash. The stamps are applied against the supplements, leaving nine dollars worth of taxable supplements. The meat purchase is still totally tax exempt. Tax is due upon the soap and the rest of the supplements, for a total of \$1.48 (7.8% x \$19.00).

(vi) The customer pays the entire bill with cash or check. Tax is due upon the soap and supplements, for a total of \$1.56 (7.8% x \$20.00).

(7) Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt actually qualify for exemption under this rule and the law.

(8) Combination business. Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see subsection (4) of this section, "Vendors who are required to collect tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their accounting records and sales receipts segregated between the two businesses. If the two businesses are commingled in accounting, all sales will be deemed subject to tax.

(9) Combination packages. When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.

(10) However, promotional give-aways of nonfood items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).

(11) Commissaries or grocery shops in institutions or other restricted (not open to the public) areas. Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.

(12) Other food vendors. Special provisions govern certain food vendors, as follows:

(a) Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see WAC 458-20-119.

(b) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.

(c) Religious, charitable, benevolent, and nonprofit service organizations, see WAC 458-20-169.

(13) Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:

(a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.

(b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.

(c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program.

(d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by WAC 458-20-166.

(14) Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances other than furnishing them in connection with services in the four situations described above are governed by WAC 458-20-119. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax.

(15) Special food sales situations. For unique situations involving food sales for home or office delivery, sales from vending vans, certain combination businesses, and food sales at shopping malls, see Excise Tax Bulletin 528-08-244.

(16) Use tax. All of the foregoing provisions of this section dealing with sales tax are equally applicable with respect to the use tax of chapter 82.12 RCW.

Effective July 1, 1983: (1) Introduction. Effective on June 1, 1988, the law is changed regarding the exemption of retail sales tax and use tax on food products. Formerly, sales of food products were sometimes taxable depending upon how and where the products were sold. Under the changes in the law the intent is to tax such product sales or exempt them from tax in a uniform and consistent manner so that the tax either applies or not equally for all sellers and buyers. Generally, it is the intent of the law, as amended, to provide the exemption for groceries and other unprepared food products with some specific exclusions. It is the intent of the law to tax the sales of meals and food prepared by the seller regardless of where it is served or delivered to the buyer. Again, there are some specific exclusions. This section provides the guidelines for determining if food product sales are taxable or exempt of tax under the changed law. It also explains special tax exemption provisions for food purchased with food stamps.

(2) Definitions. As used herein and for purposes of the sales tax and use tax exemptions, the following definitions apply:

(a) "Food products" means only substances, products, and byproducts sold for use as food or drink by humans. The term includes, but is not limited to, the following items:

Baby foods, formulas	Baking soda and powder
Bakery products	Bouillon cubes
Candy	Meat, meat products,
Cereal products	including livestock sold
Chewing gum	for human consumption
Chocolate	Milk, milk products
Cocoa	Mustard
Coffee and coffee	Noncarbonated soft drinks
substitutes	Nuts
Condiments	Oleomargarine
Crackers	Olives, olive oil
Dietfood, not including	Peanut butter
dietary supplements or	Popcorn
adjuncts	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for	Powdered drink mixes
food	Salt and salt substitutes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup

Gelatin	Spices and herbs
Honey	Sugar, sugar products, sugar
Ice cream, toppings	substitutes
Jam, jelly, jello	Syrups
Marshmallows	Tea
Mayonnaise	Vegetables, vegetable products
Yeast	

(b) "Nonfood products" means certain substances which may be sold at food and grocery stores and which may be ingested by humans but which are not treated as food for purposes of the tax exemptions. Tax exempt food products do not include any of the following nonfood products:

Alcoholic beverages	Ice, bottled water (mineral or otherwise)
Aspirin	Mouthwashes
Beer or wine making supplies	Nonedible cake decorations
Breeding stock	Nonprescription medicines
Calcium tablets	Patent medicines
Carbonated beverages	Pet food and supplies
Chewing tobacco	Seeds and growing plants including edible plants
Cod liver oil	Tobacco products
Cough medicines (liquid or lozenge)	Tonics, vitamins
Dietary supplements or adjuncts as defined below	Toothpaste
First-aid products	

(c) "Dietary supplements or adjuncts" are medicines or preparations in liquid, powdered, granular, tablet, capsule, lozenge, or pill form taken in addition to natural or processed foods in order to meet special vitamin or mineral needs. Dietary supplements or adjuncts are not food products entitled to tax exemption. However, the term "dietary supplements or adjuncts" does not include products whose primary purpose is to provide the complete nutritional needs of persons who cannot ingest natural or processed foods. Also, this term does not include food in its raw or natural state which has been merely dried, frozen, liquified, fortified, or otherwise merely changed in form rather than content.

Such substances as dried milk, powdered spices and herbs, brewers yeast, desiccated liver, powdered kelp, herbal extracts, and the like are not dietary supplements or adjuncts subject to tax.

(d) "Eligible foods," as used in subsection (10) of this section, means any food which can be purchased with food stamps under the Federal Food Stamp Act of 1977. "Eligible foods" include any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods or hot food products prepared for immediate consumption. The term also includes seeds and plants used to grow foods for personal consumption (7 U.S.C.A. U 2012). Thus some substances are "eligible foods" which are defined above as "nonfood products."

(3) Business and occupation tax. There is no general tax exemption for sales of food or food products for B&O tax purposes. The gross proceeds of sales of food are subject to the wholesaling or retailing classification of B&O tax, as the case may be.

(4) Retail sales tax - Taxable sales. Sales of food products are subject to retail sales tax under any of the following circumstances:

(a) Effective June 1, 1988, sales by any retail vendor of any food handled on the vendor's premises which by law requires the vendor to have a food and beverage service worker's permit under RCW 69.06-.010 (handling unwrapped or unpackage food) are subject to sales tax. Such sales include, but are not limited to, sandwiches prepared or chicken cooked on the premises, deli trays, home delivered pizzas or meals, and salad bars. However, certain sales of foods which require a permit are expressly excluded from taxation. See subsection (5)(a) of this section.

(b) Food products sold for consumption within a place, the entrance to which is subject to an admission charge, except for national or state parks or monuments, are subject to sales tax.

(i) Example. Food of any kind sold at a snack bar, food stand, restaurant, or by individual roving food vendors inside a sports arena, theater, or similar place of amusement or recreation which charges admission is subject to sales tax.

(ii) Even sales of food products within national or state parks where admission is charged are subject to retail sales tax upon any food the preparation of which requires the retail vendor to have a permit specified in (a) of this subsection.

(c) Sales of baked goods as a part of meals or with beverages in unsealed containers are subject to sales tax. (However, see the provision for combination businesses in subsection (6) of this section.)

(d) Vending machine sales. Sales of any food products dispensed by vending machines are subject to sales tax under a formula which requires the tax to be reported and paid by the vending machine owner or operator upon fifty-seven percent of the gross receipts from such machines. However, sales tax must be reported and paid upon one hundred percent of the gross receipts of vending machines which dispense hot prepared food products, e.g., hot coffee, soups, tea, chocolate, etc.

(i) It is not required that food vending machines be posted with prices separately showing the sales tax amount or rate charged.

(ii) The retail sales tax may be factored out of the gross receipts of such vending machines to derive the measure for reporting B&O tax.

(5) Retail sales tax - Exempt sales. RCW 82.08.0293 exempts sales of food products for human consumption from the retail sales tax except for the taxable sales described in subsection (4) of this section.

(a) Sales of the following food products are exempt of sales tax even though sold by a person required to have a food handler's permit (i.e., handling unwrapped or unpackaged foods):

(i) Raw meat prepared by persons who slaughter animals, including fish and fowl, or dress or wrap slaughtered raw meat such as fish mongers, butchers, or meat wrappers;

(ii) Meat and cheese sliced and/or wrapped, in any quantity determined by the buyer, sold by vendors such as meat markets, delicatessens, and grocery stores;

(iii) Baked goods sold by bakeries which sell no food products other than baked goods, including bakeries located in grocery stores. (See the provision for combination businesses in subsection (6) of this section);

(iv) Bulk food products sold from bins or barrels, including but not limited to, flour, fruits, vegetables, sugar, salt, candy, chips, and cocoa;

(v) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6);

(vi) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW.

(b) Retailers of food products must keep adequate records to demonstrate that any sales claimed to be tax exempt qualify for exemption as explained above.

(6) Combination businesses. Persons operating a combination of two kinds of food sales businesses at one location are required to keep their accounting records and sales receipts segregated between taxable and tax exempt sales.

(a) Examples of combination businesses are:

(i) A grocery store with a lunch counter or salad-deli bar.

(ii) A bakery which sells baked goods "to go" and also sells baked goods with meals or beverages in unsealed containers.

(b) Combination businesses must collect and report retail sales tax upon their charges for meals and servings of food which require such businesses to have a food handler's permit.

(c) It is sufficient segregation for accounting purposes if cash registers or electronic checking machines are programmed to identify and separately tax food products which are not tax exempt.

(d) If the combined food businesses are commingled in accounting, all sales of food products will be deemed subject to sales tax.

(7) Combination and specialty packages. When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the sales tax applies to the entire price.

(8) Promotional items. Nonfood items given to buyers to promote food product sales such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of crystal ware containing candy or nuts is fully subject to sales tax).

(9) Food vending vans. Food products sales from vehicular vending vans are taxable or exempt of retail sales tax in the same manner as food sales at grocery stores. Thus, sales of candy bars, gum, or any prewrapped food products which are prepackaged by a manufacturer other than the retail vendor operating the van are exempt of retail sales tax. Sales of any unwrapped or unpackaged food items, including but not limited to, hotdogs, sandwiches, bakery items, soups, and hot

or cold beverages as well as sales of hot food cooked or heated by the retail vendor are subject to sales tax.

(10) Food stamps. Sales of "eligible foods," as defined earlier, which are purchased with food stamps are exempt of retail sales tax.

(a) When both food stamps and cash (or check) are used to make purchases, the food stamps must be applied first to "eligible foods" which are not otherwise tax exempt "food products," for example, dietary supplements, carbonated beverages, garden seeds, bottled water, and ice. The cash or check portion of the purchase price must then be applied to items listed above which qualify as tax exempt food products. The intent is to always apply the stamps and cash in such a way as to provide the greatest possible amount of sales tax exemption under the law.

(b) The obligation rests with the seller to determine which items are eligible for purchase with food stamps.

(c) The following examples show how the tax exemptions apply in cases where a purchase of ten dollars each is made for meat (a food product), dietary supplements (an eligible food), and soap (a nonfood item) using both food stamps and cash. A tax rate of 7.8% is used for these examples.

(i) A customer pays the thirty dollar selling price with ten dollars worth of food stamps and twenty dollars cash. The stamps are applied to the dietary supplements, making them tax exempt. The cash is used for the meat and soap. The result is that sales tax is due only on the soap, in the amount of .78 (7.8% x \$10.00 worth of soap).

(ii) The customer pays with five dollars in stamps and twenty-five dollars in cash. Again, the stamps are applied against the dietary supplements, leaving five dollars of their value to be purchased with cash. The meat is tax exempt and the soap and the rest of the dietary supplements are taxable. Tax is due in the amount of \$1.78 (7.8% x \$15.00 worth of soap and supplements).

(iii) The customer pays with fifteen dollars in stamps and fifteen dollars in cash. The stamps are applied first to the supplements (ten dollars worth) and then to the meat (five dollars worth). The cash applies to the rest of the meat and the soap. The tax due is .78 (7.8% x \$10.00 worth of soap).

(11) Use tax on food. The provisions of the use tax of chapter 82.12 RCW apply for taxation or tax exemption under the same circumstances outlined above regarding retail sales tax. (See RCW 82.12-.0293.) The use tax applies under any circumstance where the retail sales tax is due upon food sales in this state but the sales tax has not been paid for any reason.

(12) Other food and meals vendors. Specific provisions govern certain persons who sell food and prepared meals. See the following referenced sections for provisions regarding:

(a) Restaurants and transportation companies (e.g., air, rail, water) and other businesses or groups furnishing meals to employees, guests, patients, students, etc., see WAC 458-20-119.

(b) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.

(c) Religious, charitable benevolent, and nonprofit service organizations, see WAC 458-20-169.

## WSR 88-12-025

### ADOPTED RULES

### DEPARTMENT OF FISHERIES

[Order 88-28—Filed May 25, 1988—Eff. August 22, 1988]

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

This action is taken pursuant to Notice Nos. WSR 88-07-111 and 88-10-041 filed with the code reviser on March 23, 1988, and May 3, 1988. These rules shall take effect at a later date, such date being August 22, 1988.

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 May 24, 1988.

By Judith Merchant  
for Joseph R. Blum  
Director

AMENDATORY SECTION (Amending Order 87-187, filed 11/6/87)

WAC 220-12-020 SHELLFISH—CLASSIFICATION. The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

Abalone	
Red abalone	<i>Haliotis refescens</i>
Pinto abalone	<i>Haliotis kamtschatkana</i>
Mussel	
Blue mussel	<i>Mytilis edulis</i>
California mussel	<i>Mytilis californianus</i>
Scallops	
Pacific pink scallop	<i>Chlamys rubida</i>
Rock scallop	<i>Crassadoma gigantea</i>
Spiny scallop	<i>Chlamys hastata</i>
Weathervane scallop	<i>Patinopecten caurinus</i>
Clams	
Bent nose clam	<i>Macoma secta</i>
All other macoma clams	<i>Macoma spp.</i>
Butter clam	<i>Saxidomus giganteus</i>
Common cockle	<i>Clinocardium nuttalli</i>
Geoduck	<i>Panope abrupta</i>
Horse or Gaper clam	<i>Tresus nuttalli,</i> <i>Tresus capax</i>
Mud or soft shell clam	<i>Mya arenaria</i>
Manila clam	<i>Tapes philippinarum</i>
Piddock	<i>Zirfaea pilsbryi</i>
Razor clam	<i>Siliqua patula</i>
Rock or native little neck clam	<i>Protothaca staminea</i>
Oysters	
Eastern oyster	<i>Crassostrea virginica</i>
Olympia or native oyster	<i>Ostrea lurida</i>
Pacific oyster	<i>Crassostrea gigas</i>
Kumamoto oyster	<i>Crassostrea gigas (kumamoto)</i>
European oyster	<i>Ostrea edulis</i>
All other oysters	( <i>Ostreidae</i> )
Squid	
Pacific Coast squid	<i>Loligo opalescens</i>
Nail squid	<i>Onychoteuthis borealijaponica</i>
Flying squid	<i>Ommastrephes bartramai</i>
All other squid	<i>Sepioidea</i> or <i>Teuthoiden</i>
Octopus	
Octopus	<i>Octopus dolfeni</i>
Barnacles	
Goose barnacle	<i>Pollicipes polymerus</i>
Shrimp	
Coonstripe shrimp	<i>Pandalus danae</i>
Coonstripe shrimp	<i>Pandalus hypsinotus</i>
Ghost or sand shrimp	<i>Callinassa spp.</i>
Humpy shrimp	<i>Pandalus goniurus</i>
Mud shrimp	<i>Upogebia pugettensis</i>
Ocean pink shrimp	<i>Pandalus jordani</i>
Pink shrimp	<i>Pandalus borealis</i>
Sidestripe shrimp	<i>Pandalopsis dispar</i>
Spot shrimp	<i>Pandalus platyceros</i>
Crab	
Dungeness or Pacific	<i>Cancer magister</i>
Red crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
Crawfish	
Crawfish	<i>Pacifastacus sp.</i>

Sea cucumber	<i>Parastichopus californicus</i>
Sea cucumber	<i>Cucumaria miniata</i>
Sea urchin	
Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Strongylocentrotus franciscanus</i>
Purple urchin	<i>Strongylocentrotus purpuratus</i>

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-52-010 SHELLFISH—UNLAWFUL ACTS. (1) It shall be unlawful to take, dig for or possess geoduck clams for commercial purposes except from registered aquatic farms under permit issued by the director or as provided in WAC 220-52-019.

(2) It shall be unlawful to take, dig for or possess clams taken for commercial purposes within the boundaries of any state park located on tidewater unless authorized by a permit issued by the director.

(3) It shall be unlawful to take oysters or clams for commercial purposes from tidelands reserved for public use unless authorized by a permit issued by the director.

(4) It shall be unlawful to take oysters, clams, or mussels for commercial purposes from state oyster reserves without being licensed under RCW 75.28.290 and having permission of the director of fisheries.

(5) It shall be unlawful to take from any building, scow, boat, live-box, container, trap, net or vehicle any caught or impounded shellfish with intent to deprive the rightful owner of such shellfish.

(6) All geoduck and mechanical clam harvester vessels shall be issued an identification number. This number will be placed in a visible location on each side of the vessel and on the top of the cabin or deck awning to be visible from the air. A sign board or banner arranged so the numbers can be seen at all times from directly overhead may be substituted if the vessel does not have a fixed roof. The numbers shall be black on a white background and shall be not less than 18 inches high and of proportionate width.

(7) It shall be unlawful for a commercial clam digger to harvest clams from intertidal ground without having on his person a signed authorization from the registered clam farmer for whom he is harvesting. The digger will also be required to have suitable personal identification with him when engaged in clam harvesting. The authorization from the registered clam farmer must be legible, dated and must contain the date on which the authorization expires, provided that in no instance may the authorization go beyond the end of any calendar year. The authorization must additionally contain the name of each bay or area where the registered clam farmer has owned or leased ground from which the named clam digger is authorized to harvest.

(8) It is unlawful to fish for or possess ghost or mud shrimp taken for commercial purposes unless authorized by a permit issued by the director.

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

WAC 220-56-310 SHELLFISH—DAILY BAG LIMITS. It is unlawful for any one person to take in

any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams:

(a) Hood Canal south of a line projected from Tala Point to Foulweather Bluff – 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first.

(b) Puget Sound south and west of the Tacoma Narrows Bridge. This also includes Carr and Case Inlets and Pickering Passage – 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(c) All portions of Puget Sound except those described in (a) and (b) of this subsection – Bag limit January 1 – May 31: 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first. Bag limit June 1 – December 31: 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(d) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance, diggers may retain up to 20 pounds of eastern softshell clams in the shell in addition to the limit set in (c) of this subsection.

(e) Willapa Bay – clams and borers five pounds in the shell in the aggregate.

(f) Willapa Bay – twenty-four cockles.

(g) In English Camp tidelands the bag limit shall be as described in (c) of this subsection plus an additional 10 pounds of clams in the shell.

(h) Grays Harbor – 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 20 pounds or 10 quarts in the shell.

(9) Shrimp: 10 pounds, whole in the shell.

(10) Octopus: 2 octopus.

(11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.

(12) Crawfish: 10 pounds in the shell.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red rock crabs: 12 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

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

**WAC 220-56-320 SHELLFISH GEAR—UNLAWFUL ACTS.** (1) It is unlawful for the owner or

operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the shrimp license. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) It is unlawful for any person using shellfish traps for personal use shellfishing to allow said traps to become uncovered by water.

(3) It is unlawful to take, fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) Effective January 1, 1985, the sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(8) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

**WSR 88-12-026**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Securities Division)**  
 [Filed May 25, 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:

New	WAC 460-17A-010	ULOR-C registration.
New	WAC 460-17A-020	Application.
New	WAC 460-17A-030	Availability.
New	WAC 460-17A-040	Disqualification from use of ULOR-C registration.
New	WAC 460-17A-050	Agreement by registrant on stock splits and stock dividends.
New	WAC 460-17A-060	Documents to be filed with administration by ULOR-C registrant.
New	WAC 460-17A-070	Application of chapter 460-16A WAC to registrations under this chapter;

that the agency will at 10:30 a.m., Tuesday, July 12, 1988, in the Conference Room, First Floor, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 26, 1988.

The authority under which these rules are proposed is RCW 21.20.450.

The specific statute these rules are intended to implement is RCW 21.20.210 and 21.20.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 19, 1988.

The department 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 department 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 Jack L. Beyers, Administrator of Securities, whose address is set forth herein.

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

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

Jack L. Beyers  
 Securities Administrator  
 P.O. Box 648  
 Olympia, WA 98504

Dated: May 24, 1988  
 By: Theresa Anna Aragon  
 Director

**STATEMENT OF PURPOSE**

Name of Agency: Department of Licensing, Securities Division.

General Purpose: The rules shown below are proposed under the Securities Act of Washington, chapter 21.20 RCW, to create an optional form of registration for offerings of certain corporate securities with an aggregate offering price of up to \$1,000,000. This proposed form of registration is intended to be compatible with Securities and Exchange Commission Rule 504. The proposed registration method allows the use of the Uniform Limited Offering Registration Corporations (ULOR-C) form developed by the American Bar Association, which is intended to promote uniformity in the securities laws of the several states.

Description and Summary of the Rules: WAC 460-17A-010 ULOR-C Registration, sets forth the general purpose and background for the proposed rules WAC 460-17A-010 through 460-17A-060; WAC 460-17A-020 Application, sets forth the application of this chapter. WAC 460-17A-030 Availability, describes the conditions under which the proposed method of registration is available; WAC 460-17A-040 Disqualification from use of ULOR-C registration, sets forth the conditions under which a registrant is disqualified from using ULOR; WAC 460-17A-050 Agreement by registrant on stock splits and stock dividends, provides that ULOR registrants by filing ULOR registration applications with the administrator agrees to not split its common stock or to declare a stock dividend within two years of the effectiveness of the registration without the prior written approval of the administrator; WAC 460-17A-060 Documents to be filed with administrator by ULOR-C Registrant, sets forth the documents to be filed with the administrator by a ULOR-C registration applicant; and WAC 460-17A-070 Application of chapter 460-16A WAC to registrations under this chapter, sets forth the application of the rules found in chapter 460-16A WAC to ULOR-C registrations.

Statutory Authority and Implementation: The authority is RCW 21.20.450 and the specific statutes these rules are intended to implement is RCW 21.20.210 and 21.20.240.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Implementation: Ken Mark, Assistant Director, Business License Services,



Black Lake Plaza Building Two, Olympia, WA 98504, (206) 753-1749; Enforcement: Jack L. Beyers, Securities Administrator, Securities Division, 1300 Quince Street or P.O. Box 648, Olympia, WA 98504, (206) 753-6928; and Drafting: Suzanne E. Sarason and Michael E. Stevenson, Securities Examiners, Securities Division, 1300 Quince Street or P.O. Box 648, Olympia, WA 98504, (206) 753-6928.

Name of Organization Proposing Rules: The Department of Licensing, Securities Division.

Reasons Supporting the Proposed Rules: These rules are intended to create greater compatibility between the securities laws of Washington and Securities and Exchange Commission Regulation D, by creating an optional registration method, designed for use by corporate issuers making offerings pursuant to Securities and Exchange Commission Rule 504.

Department Comments: These rules are intended to complement the Regulation D related rules in the exemption area which are contained in chapter 460-44A WAC.

Federal or State Laws: These rules are not necessary to comply with any federal law or state law or any federal or state court decisions.

Small Business Impact Statement: A small business economic impact statement has not been proposed because the department does not believe that any economic impact is involved on more than twenty percent of all industries or more than ten percent of any one industry. Any impact that the rules may have upon small business is intended to fall equally on all businesses. Comments regarding any possible economic impact on small business should be directed to Jack L. Beyers at the address and telephone number shown above.

Chapter 460-17A WAC  
UNIFORM LIMITED OFFERING REGISTRATION

WAC

- |             |   |
|-------------|---|
| 460-17A-010 | ULOR-C registration.  |
| 460-17A-020 | Application.  |
| 460-17A-030 | Availability.   |
| 460-17A-040 | Disqualification from use of ULOR-C registration.                       |
| 460-17A-050 | Agreement by registrant on stock splits and stock dividends.            |
| 460-17A-060 | Documents to be filed with administrator by ULOR-C registrant.          |
| 460-17A-070 | Application of chapter 460-16A WAC to registrations under this chapter. |

NEW SECTION

WAC 460-17A-010 ULOR-C REGISTRATION. These rules are intended to encourage investment in small businesses. The rules in this chapter offer an optional method of registration for corporations issuing securities exempt from registration with the Securities and Exchange Commission under Rule 504 of Regulation D or under Rule 147. The administrator recognizes that small issuers raising small amounts of money face special problems not faced by issuers raising larger amounts, and that standards appropriate to registrations of larger offerings may become unduly burdensome when applied to registrations of small offerings. The optional registration method offered by these rules is intended to reduce the costs and burdens of raising capital for small business without sacrificing investor protection, and to maximize the amount of offering proceeds available to the issuer for investment in the business. Issuers eligible for this method of registration shall use the registration form ULOR-C as the disclosure document for the offering. This method of registration shall be known as ULOR-C registration.

NEW SECTION

WAC 460-17A-020 APPLICATION. (1) The rules in this chapter shall apply to ULOR-C registrations. While applications not conforming to the standards contained herein shall be looked upon with disfavor, where good cause is shown certain rules may be modified or waived by the administrator.

(2) Where individual characteristics of specific offerings warrant modification from these standards, they will be accommodated, insofar as possible, while still being consistent with the spirit of these rules.

NEW SECTION

WAC 460-17A-030 AVAILABILITY. (1) These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. In addition, each of the following requirements must be met:

(a) The issuer must be a corporation organized under the laws of one of the states or possessions of the United States.

(b) The issuer must engage in a business other than petroleum exploration or production or mining or other extractive industries.

(c) The offering is not a "blind pool" or other offering for which the specific business to be engaged in or property to be acquired by the issuer cannot be specified.

(d) The offering price for common stock (and the exercise price, if the securities offered are options, warrants or rights for common stock, and the conversion price if the securities are convertible into common stock) must be equal to or greater than \$5.00 per share.

(e) The aggregate offering price of the securities offered (within or outside this state) shall not exceed \$1,000,000 less the aggregate offering price of all securities sold within the twelve months before the start of, and during the offering of, the securities under Securities and Exchange Commission Rule 504 in reliance on any exemption under section 3(b) of the Securities Act of 1933, under Securities and Exchange Commission Rule 147 in reliance on the exemption under section 3(a)(11) of that act, or in violation of section 5(a) of that act.

(2) ULOR-C registration is not available to investment companies subject to the Investment Company Act of 1940, nor is it available to issuers subject to the reporting requirements of section 13 or section 15(d) of the Securities Exchange Act of 1934.

(3) ULOR-C is available for registration of debt offerings only if the issuer can demonstrate reasonable ability to service its debt.

NEW SECTION

WAC 460-17A-040 DISQUALIFICATION FROM USE OF ULOR-C REGISTRATION. ULOR-C registration shall not be available for securities of any issuer if that issuer or any of its officers, directors, ten percent stockholders, promoters or any selling agents of the securities to be offered, or any officer, director, or partner of such selling agent:

(1) Has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to any state's securities law within five years prior to the filing of the ULOR-C registration application;

(2) Has been convicted within five years prior to the filing of the ULOR-C registration application of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny, or conspiracy to defraud;

(3) Is currently subject to any state administrative enforcement order or judgment entered by that state's securities administrator within five years prior to the filing of the ULOR-C registration application or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the ULOR-C registration application;

(4) Is subject to any state's administrative enforcement order or judgment which prohibits, denies, or revokes the use of any exemption for registration in connection with this offer, purchase, or sale of securities;

(5) Is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, permanently restraining or enjoining such party from engaging in or continuing any conduct or practice in



connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the ULOR-C registration application; provided, however, the prohibition of this subsection and subsections (1) through (3) of this section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the broker-dealer employing such party is licensed or registered in this state and the Form BD filed in this state discloses the order, conviction, judgment, or decree relating to such person. No person disqualified under this section may act in any capacity other than that for which the person is licensed or registered. Any disqualification caused by this section is automatically waived if the state securities administrator or agency of the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

#### NEW SECTION

**WAC 460-17A-050 AGREEMENT BY REGISTRANT ON STOCK SPLITS AND STOCK DIVIDENDS.** By filing for ULOR-C registration in this state, the registrant agrees with the administrator that the registrant will not split its common stock, or declare a stock dividend, for two years after the effectiveness of the registration without the prior written approval of the administrator.

#### NEW SECTION

**WAC 460-17A-060 DOCUMENTS TO BE FILED WITH ADMINISTRATOR BY ULOR-C REGISTRANT.** In addition to filing a properly completed form ULOR-C, applicants for ULOR-C registration shall file the following exhibits with the administrator:

- (1) Form of selling agency agreement;
- (2) The issuer's articles of incorporation or other charter documents and all amendments thereto;
- (3) The issuer's bylaws, as amended to date;
- (4) Copy of any resolutions by directors setting forth terms and provisions of capital stock to be issued;
- (5) Any indenture, form of note or other contractual provision containing terms of notes or other debt, or of options, warrants, or rights to be offered;
- (6) Specimen of security to be offered (including any legend restricting resale);
- (7) Consent to service of process accompanied by appropriate corporate resolution;
- (8) Copy of all advertising or other materials directed to or to be furnished investors in the offering;
- (9) Form of escrow agreement for escrow of proceeds;
- (10) Consent to inclusion in disclosure document of accountant's report;
- (11) Consent to inclusion in disclosure document of tax advisor's opinion or description of tax consequences;
- (12) Consent to inclusion in disclosure document of any evaluation of litigation or administrative action by counsel;
- (13) Form of any subscription agreement for the purchase of securities in this offering;
- (14) Opinion of attorney licensed to practice in a state or territory of the United States that the securities to be sold in the offering have been duly authorized and when issued upon payment of the offering price will be legally and validly issued, fully paid and nonassessable and binding on the issuer in accordance with their terms;
- (15) Schedule of residence street addresses of officers, directors, and principal stockholders.

#### NEW SECTION

**WAC 460-17A-070 APPLICATION OF CHAPTER 460-16A WAC TO REGISTRATIONS UNDER THIS CHAPTER.** The provisions of chapter 460-16A WAC shall not apply to registrations under this chapter except:

- (1) The promotional shares rules contained in WAC 460-16A-101 through 460-16A-109 shall apply except that:
  - (a) Promotional shares need be escrowed pursuant to WAC 460-16A-104 only to the extent that such shares exceed sixty percent of the shares to be outstanding upon the completion of the offering; and
  - (b) WAC 460-16A-103 shall not apply;

(2) The impound provisions of WAC 460-16A-150 through 460-16A-175 shall apply;

(3) WAC 460-16A-035 shall apply;

(4) WAC 460-16A-075 shall apply except that for offerings with an aggregate offering price of under \$500,000 selling expenses which do not exceed twenty percent of the offering price will be considered reasonable so long as total compensation paid to any underwriter does not exceed fifteen percent;

(5) The administrator reserves the right to apply chapter 460-16A WAC (or any provision therein) to offerings under this chapter if the administrator determines that such application, even in the small business offering context, is necessary for the protection of investors.

#### **WSR 88-12-027**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

#### **(Securities Division)**

[Filed May 25, 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:

Amd	WAC 460-20A-220	Salesperson registration and examination.
Amd	WAC 460-20A-230	Broker-dealer registration and examination.
New	WAC 460-24A-055	Effective date of license.
Rep	WAC 460-20A-225	Exemptions from salesmen examinations;

that the agency will at 9:30 a.m., Tuesday, July 12, 1988, in the Conference Room, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 26, 1988.

The authority under which these rules are proposed is RCW 21.20.450.

The specific statute these rules are intended to implement is RCW 21.20.070, 21.20.080 and 21.20.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 20, 1988.

The department 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 department 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 Jack L. Beyers, Administrator of Securities, whose address is set forth herein.

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

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

Jack L. Beyers  
 Securities Administrator  
 P.O. Box 648  
 Olympia, Washington 98504

Dated: May 24, 1988  
 By: Theresa Anna Aragon  
 Director

### STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Securities Division.

General Purpose of Rules: The rules shown below are proposed under the Securities Act of Washington, chapter 21.20 RCW, further implement the registration of broker-dealers, investment advisers, securities salespersons, and investment adviser salespersons. The new section establishes the effective date for investment adviser and investment adviser salesperson registrations and the delinquency fee if such registrations are not renewed by their expiration dates. The amendments allow securities salespersons registered to issuers to have expiration dates for their registrations matching those of the issuer's securities registrations. The amendments also modify the examination requirements for securities salespersons seeking to register to sell the securities or a single offering of an issuer. The amendments remove references to registration fees which duplicate statutory provisions and also establish delinquency fees for securities salespersons and investment advisers. The repealer removes references to the obsolete Washington written examination.

Description and Summary of the Rules: WAC 460-20A-220 Salesperson registration and examination, sets forth the requirements for securities salesperson registration; WAC 460-20A-230 Broker-dealer registration, sets forth the requirements for broker-dealer registration; WAC 460-24A-055 Effective date of license, a new section, establishes the effective date for investment adviser and investment adviser salesperson registration; and WAC 460-20A-225 Exemptions from salesmen examination, is deleted because it refers to the Washington examination which is no longer required of licensees.

Statutory Authority and Implementation: The authority under which these rules are proposed is RCW 21.20.450. The specific statutes which WAC 460-28A-220 are intended to implement is RCW 21.20.070, 21.20.080 and 21.20.370; the specific statutes which WAC 460-20A-230 are intended to implement is RCW 21.20.070, 21.20.080 and 21.20.340; the specific statutes which WAC 460-24A-055 are intended to implement is RCW 21.20.080 and 21.20.340; and the specific statute the repeal of WAC 460-20A-225 is intended to implement is RCW 21.20.450.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Implementation: Ken Mark, Assistant Director, Business License Services, Black Lake Plaza Building 2, Olympia, WA 98504, (206) 753-1749; Enforcement: Jack L. Beyers, Securities Administrator, 1300 Quince Street S.E. or P.O. Box 648, Olympia, WA 98504, (206) 753-6928; and Drafting: Suzanne E. Sarason, Securities Examiner, Securities Division, 1300 Quince Street S.E. or P.O. Box 648, Olympia, WA 98504, (206) 753-6928.

Name of Organization Proposing Rules: The Department of Licensing, Securities Division.

Reasons Supporting the Proposed Rules: The proposed rules are intended [to] update and make more profitable the examinations requirements by deleting obsolete references to the Washington examination and by modifying examination requirements for certain securities salespersons and allow for flexibility in assigning of expiration dates for certain securities salespersons pursuant to the authority granted in RCW 21.20.080. The rules also clarify the amount of delinquency fees for investment advisers, investment adviser salespersons, broker-dealers, and securities salespersons. The rules delete references to fees which duplicate statutory provisions.

Department Comments: These rules are intended to further implement the licensing provisions of chapter 21.20 RCW.

Federal or State Law: These rules are not necessary to comply with any federal or state law or federal or state court decisions.

Small Business Impact Statement: A small business economic impact statement has not been prepared because the department does not believe that any economic impact is involved on more than twenty percent of all industries or more than ten percent of any one industry. Any impact that the rules may have upon small business is intended to fall equally on all businesses. Comments regarding any possible economic impact of small business should be directed to Jack L. Beyers, Administrator of Securities at the address or telephone number shown above.

### AMENDATORY SECTION (Amending Order SDO-220-85, filed 11/19/85)

WAC 460-20A-220 SALESPERSON REGISTRATION AND EXAMINATION. (1) Every applicant for registration as a securities salesperson, unless exempt as provided herein, shall pass the following examinations with a score of ((70%)) seventy percent or better and complete the NASD Form U-4.

(a) For a salesperson's license to effect or attempt to effect sales of general securities, the individual shall pass the NASD uniform securities agent state law examination and the NASD general securities representative examination.

(b) For a limited salesperson's license to effect or to attempt to effect sales of investment company securities, variable contracts or mutual funds, the individual shall pass the NASD investment company products/variable contracts representative examination and the uniform securities agent state law examination.

(c) For a limited salesperson's license to effect or to attempt to effect sales of limited partnership interests and interests in tax shelters, the individual shall pass the NASD direct participation program representative examination and the uniform securities agent state law examination.

(d) For a limited salesperson's license to effect or to attempt to effect sales of municipal bonds, the individual shall pass the NASD municipal securities representative examination and the uniform securities agent state law examination.

(e) For a limited salesperson's license to effect or to attempt to effect sales of real estate program offerings, the individual shall pass the uniform real estate securities examination and the uniform securities agent state law exam.

(f) For a limited salesperson's license to effect or attempt to effect sales on behalf of the issuer of a single offering of the issuer where no commissions or similar remuneration will be paid or given directly or indirectly in connection with the offer or sale of the issuer's securities, the individual shall pass the uniform securities state law examination.

(2) Any individual out of the business of effecting transactions in securities for less than two years and who has previously passed the required examinations in subsection (1)(a), (b), (c), (d), or (e) ((above)) of this section or the Washington state securities examination shall not be required to retake the examination(s) to be eligible to be relicensed upon application.

(3) Upon written application and approval, the director may exempt ~~((the following persons))~~ from the testing requirements in subsection (1) ~~((above))~~:

~~(a) For a particular original offering of an issuer's securities, not more than two officers of an issuer or corporate general partner or two individual general partners. No such person may again register within five years as a salesperson without passing the written examinations.~~

~~(b) A) of this section any salesperson engaged exclusively in the sale of condominium securities provided that written notice is given to the director five days prior to the exercise of the exemption and that such salesperson submit a copy of his/her current Washington real estate license to the director. If that license is cancelled, suspended or revoked, the exemption will not apply to any further transaction.~~

~~(4) The licenses in ((section (1))) subsection (1) of this section shall be effective until December 31 of the year of ((passage)) issuance at which time it shall be renewed or if not renewed shall be deemed delinquent except that the expiration date of the licenses of salespersons representing issuers may be adjusted to coincide with the expiration date of the securities registration of the issuer. In the latter case, the license shall be renewed, or if not renewed, shall be deemed delinquent at the expiration of the issuer's securities registration. ((The renewal fee shall be \$15.00-)) For any renewal application postmarked after the expiration date but ((within ninety days thereafter, the fee shall be \$25.00)) received by the director within two months of the expiration date, the licensee shall pay a delinquency fee of ten dollars in addition to the renewal fee. No renewal applications will be accepted after that time. ((Such licenses must submit a new application and filing fee of \$35.00. The fee for transfers shall be \$25.00-))~~

~~(5) Any applicant not completing the salesperson application in full shall be issued a deficiency letter. The deficiency must be corrected within the subsequent six-month period. If not so completed, one-half the filing fee shall be returned to the applicant. A new application and filing fee must then be filed in order to initiate application.~~

~~(6) Any salesperson registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and registered continuously thereafter, shall be subject to the regulation in effect at the time of the original application.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-20A-225 EXEMPTIONS FROM SALESMEN EXAMINATIONS.

AMENDATORY SECTION (Amending Order SDO-220-85, filed 11/19/85)

WAC 460-20A-230 BROKER-DEALER REGISTRATION AND EXAMINATION. (1) In order to be licensed in this state as a broker-dealer the individual applicant, an officer if the applicant is a corporation, or a general partner if the applicant is a partnership shall pass the following examination with a score of 70% or better and complete the SEC Form B/D and complete the state of Washington registration check sheet.

(a) For a broker-dealers license to effect transactions in general securities one individual, officer or general partner shall pass the NASD general securities principal examination, the uniform securities agent state law examination, and the financial and operations principal examination.

(b) For a limited broker-dealer license to effect transactions in investment company securities, variable contracts or mutual funds one individual, officer or general partner shall pass the NASD investment company products/variable contracts principal examination and the uniform securities agent state law examination.

(c) For a limited broker-dealers license to effect transactions in limited partnership interests and interests in tax shelters one individual, officer or general partner shall pass the NASD direct participation programs principal examination and the uniform securities agent state law examination.

(d) For a limited broker-dealer's license to effect transactions in municipal bonds, one individual, officer or general partner shall pass

the NASD municipal securities principal examination and the uniform securities agent state law examination.

(2) The director may upon application waive the financial and operations examination required in subsection (1)(a) ~~((above))~~ of this section for brokerage firms which do not hold funds or securities for, or owe money or securities to customers and do not carry accounts of or for customers.

(3) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the broker-dealer must notify the securities division of a substitute officer or general partner who has passed the same category of examination specified in subsection (1)(a), (b), (c)<sub>2</sub> or (d) ~~((above))~~ of this section within two months in order to maintain the broker-dealers license.

(4) The licenses in subsection (1)(a), (b), (c)<sub>2</sub> or (d) of this section shall be effective until December 31 of the year of passage at which time it shall be renewed or be delinquent. ~~((The renewal fee shall be \$75.00-))~~ For any renewal application postmarked after the expiration date but ~~((within ninety days thereafter))~~ received by the director on or before March 1, the ~~((fee shall be \$100.00))~~ licensee shall pay a delinquency fee of twenty-five dollars in addition to the renewal fee. No renewal applications will be accepted thereafter. ~~((Such licensee must submit a new application and filing fee of \$150.00-))~~

(5) Any applicant not completing the broker-dealer application in full shall be issued a deficiency letter. The deficiency must be corrected within the subsequent six-month period. If not so completed, one-half the filing fee shall be returned to the applicant. A new application and filing fee must then be filed in order to initiate application.

(6) Any broker-dealer registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and remained registered continuously thereafter shall be subject to regulations in effect at the time of the original application.

#### NEW SECTION

WAC 460-24A-055 EFFECTIVE DATE OF LICENSE. All investment adviser and investment adviser salesperson licenses shall be effective until December 31 of the year of issuance at which time the license shall be renewed, or if not renewed, shall be deemed delinquent. For any renewal application postmarked after the expiration date but received by the director on or before March 1, the licensee shall pay a delinquency fee in addition to the renewal fee. No renewal applications will be accepted after that time. The delinquency fee for investment advisers shall be twenty-five dollars. The delinquency fee for investment adviser salespersons shall be ten dollars.

#### WSR 88-12-028

##### ADOPTED RULES

#### COMMITTEE FOR DEFERRED COMPENSATION

[Order 88-1—Filed May 25, 1988]

Be it resolved by the Committee for Deferred Compensation, acting at the Committee for Deferred Compensation, 2600 Martin Way, Suite D, Olympia, WA 98504-0001, that it does adopt the annexed rules relating to amending WAC 154-04-040, 154-12-015, 154-12-020, 154-12-030, 154-12-110 and 154-24-010.

This action is taken pursuant to Notice No. WSR 88-09-075 filed with the code reviser on April 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 under the general rule-making authority of the Committee for Deferred Compensation as authorized in RCW 41.04.260.

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 May 24, 1988.

By Mary Bush  
Client Service Manager

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-04-040 NORMAL RETIREMENT AGE. "Normal retirement age" means the range of ages:

(1) Ending not later than age seventy and one-half; and

(2) Beginning not earlier than the earliest age at which the participant has the right to retire under ~~((the state's basic))~~ a state authorized pension for which ~~((he is))~~ the participant is eligible without consent of the state and under which ~~((he))~~ the participant will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in ~~((the state's basic))~~ a state authorized pension plan.

In the case of a participant who continues to work beyond the ages specified above, normal retirement age shall be that date or age designated by the participant or the date or age at which the participant separates from service with the state. Provided, however, that the participant's election to defer amounts in excess of the maximum deferral allowed by WAC 154-12-020 but within the limited catch-up permitted by WAC 154-12-030 shall constitute a designation of an age pursuant to this section.

AMENDATORY SECTION (Amending Order 87-1, filed 8/26/87)

WAC 154-12-015 ACCEPTANCE OF INTERPLAN TRANSFERS. Pursuant to Section 1.457-(2)(k) of the final regulations promulgated under section 457 of the code ~~((, this plan will allow for the acceptance of amounts deferred by participants under plans having met the transfer requirements of section 457 of the code and said regulations, and will also allow for the transfer out to eligible 457 plans of the code having met the transfer requirements of section 457 of the code and said regulations))~~:

(1) Transfers to the plan. If a participant was formerly a participant in an eligible state deferred compensation plan (within the meaning of section 457 of the code and the regulations thereunder), and if such a plan permits the direct transfer of the participant's interest therein to the plan, then the plan shall accept assets representing the value of such interest; provided, however, the administrator may require in his sole discretion that some or all of such interest be transferred in cash or its equivalent. Such amount shall be held, accounted for, administered, and otherwise treated in the same manner as compensation deferred by the participant under the plan except that:

(a) Only the amount, if any, transferred to the plan which was deferred under the transferor plan in the taxable year when transfer occurs shall be treated as compensation deferred under the plan in such year.

(b) Such amount shall remain subject to, and shall be administered in accordance with, any irrevocable elections made under the transferor plan with respect to such amount.

(2) Transfers from the plan. The amounts credited to the account of a former participant in the plan may be transferred to another eligible state deferred compensation plan (within the meaning of section 457 of the code and the regulations thereunder) and in which the former participant currently participates, and if such plan provides for the acceptance of such amounts; provided, however, that if a participant terminates his service with the participating employer in order to accept employment with the entity sponsoring such plan and if such plan accepts transferred amounts, then payment of benefits under the plan will not commence, regardless of any other provision of this plan, and the deferrals will automatically be transferred to such plan.

(3) Application for transfer. If the conditions in subsections (1) and (2) of this section are met and the participant wishes to transfer his/her account, he/she shall complete any application form and/or other documents as may be required by the administrator.

(4) Administrative rules. The committee shall prescribe such rules consistent with the provisions of subsections (1) and (2) of this section concerning plan-to-plan transfers as in its sole judgment it deems desirable for the orderly administration of the plan.

AMENDATORY SECTION (Amending Order 84-4, filed 11/13/84)

WAC 154-12-020 DEFERRAL LIMITATIONS. Except as provided in WAC 154-12-030, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of (1) \$7,500 or (2) 33 1/3% of the participant's includible compensation, each reduced by any amount excludable from the participant's gross income for that taxable year under Section 403(b) of the Internal Revenue Code on account of participating employer contributions. In the case of a person who participates in more than one deferred compensation plan governed by Section 457 of the Internal Revenue Code, the limitations set forth shall apply to all such plans considered together for the taxable year, or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import.

AMENDATORY SECTION (Amending Order 84-4, filed 11/13/84)

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of (1) \$15,000 for the taxable year, reduced by any amount excludable from the participant's gross income for the

taxable year under Section 403(b) on account of contributions made by your employer, or (2) the sum of (a) the limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus (b) so much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030; or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import. A prior taxable year shall be taken into account only if: (i) It begins after December 31, 1978; (ii) the participant was eligible to participate in the plan during all or any portion of the taxable year, and; (iii) compensation deferred (if any) under the plan during the taxable year was subject to a maximum limitation (as established under WAC 154-12-020).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity (~~(, providing that the other entity sponsoring the plan is located within the state of Washington)~~). In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-12-110 DISTRIBUTION OF DEFERRALS. Distribution of deferrals:

(1) Notwithstanding anything in this plan to the contrary, payment of amounts deferred shall commence not later than the latest of (a) sixty days after the close of the plan year in which the participant attains (or would have attained) normal retirement age; (b) sixty days after the close of the plan year in which the participant separates from service with the employer.

(2) Amounts deferred under this plan shall be paid according to options provided by rule by the committee pursuant to WAC 154-12-090, but such options shall provide payment of amounts deferred primarily for the benefit of participants (or former participants). Benefits paid to a beneficiary are not to be more than incidental, within the meaning of Section 1.457-2 (i)(2).

(3) Notwithstanding anything in this plan to the contrary, once payments have commenced to the participant, in accordance with WAC 154-12-090, said participant may not elect to accelerate the payment schedule. However, upon the occurrence of an unforeseeable emergency (as defined in WAC 154-24-010), the participant may accelerate the amount remaining payable in the amount not exceeding that described in WAC 154-24-010.

(4) The entire interest of the participant will be distributed, not later than the April 1st following the calendar year in which the participant attains age seventy and one-half ("required beginning date"), in equal or

substantially equal amounts over (a) the life of the participant, (b) the lives of the participant and his beneficiary, (c) a period not extending beyond the life expectancy of the participant, (d) a period not extending beyond the joint and last survivor expectancy of the participant and the beneficiary, or (e) a combination of the foregoing.

(5) Notwithstanding any other provision of this plan, distributions shall be subject to the following limitations:

(a) If distribution first commences under subsection (4) of this section, WAC 154-16-010, 154-16-020, or 154-20-010 such distribution shall be made in a form under which:

(i) The amount distributed in each year commencing with the required beginning date must be either (A) a level amount determined by applying the participant's entire interest to the purchase of an annuity contract commencing payments at least annually on or before the required beginning date over a period consistent with subsection (4) of this section, or (B) at least equal to the quotient obtained by dividing the participant's then remaining interest by the life expectancy of the participant or the joint and last survivor expectancy of the participant and the beneficiary, as relevant;

(ii) If provision is made for the payment of a portion of the benefits to a beneficiary, the amount payable to the participant actuarially must exceed two-thirds of the maximum amount payable to the participant had no provision been made for payments to the beneficiary (determined as of the commencement of the distribution); and

(iii) Any amount not distributed to the participant during his life will be distributed after the death of the participant at least as being used under section 6.7 (a)(ii) as of the date of his death.

(b) If distribution first commences after the participant's death under WAC 154-16-020 the participant's entire interest must be distributed over a period not to exceed (i) the beneficiary's life or life expectancy, if the beneficiary is the participant's surviving spouse and if distribution commences on or before the date the deceased participant would have attained age seventy and one-half, (ii) the lesser of fifteen years or the life expectancy of the beneficiary, if the beneficiary is not the participant's surviving spouse and if distributions commence within one year of the date of the participant's death in equal or substantially equal payments, or (iii) the lesser of five years from the date of the participant's death or the beneficiary's life expectancy, if (i) and (ii) of this subsection are inapplicable. For purposes of this subsection, any amount paid to a child of the participant will be treated as if it had been paid to the surviving spouse if the remainder of the interest becomes payable to the surviving spouse when the child reaches the age of majority.

(c) For purposes of (a) and (b) of this subsection, life expectancies will be computed by use of the expected return multiples in Treasury Regulations 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company. For purposes of (a)(i) and (b)(i) of this subsection, the life expectancy of the participant and the

participant's surviving spouse (if such spouse is the beneficiary) may be recalculated annually.

**AMENDATORY SECTION** (Amending Order 82-3, filed 6/11/82)

**WAC 154-24-010 UNFORESEEABLE EMERGENCY.** Notwithstanding any other provisions herein, in the event of an unforeseeable emergency, a participant may request the committee to pay benefits. If the application for payment is approved by the committee, payment will be made (~~as soon as possible~~) within sixty days following such an approval. Benefits to be paid shall be limited strictly to that amount reasonably necessary to satisfy emergency need. Any remaining benefits shall be paid in accordance with chapters 154-16 and 154-20 WAC of the plan.

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant, loss of the participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment shall not be made to the extent that such hardship is or may be relieved (1) through reimbursement or compensation by insurance or otherwise; (2) by liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or (3) by cessation of deferrals under the plan. Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

**WSR 88-12-029**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Filed May 25, 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 adult residential rehabilitation centers and private adult treatment homes, amending chapter 248-25 WAC;

that the agency will at 10:00 a.m., Tuesday, July 26, 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 July 27, 1988.

The authority under which these rules are proposed is RCW 71.24.035.

The specific statute these rules are intended to implement is Title 71 RCW.

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

Dated: May 24, 1988

By: Leslie F. James, Director  
Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 248-25 WAC.

Purpose of the Rule Change: To update rules adopted in 1982 and provide a primary focus on psycho-social rehabilitation with emphasis on functional improvement.

Reasons These Rules are Necessary Include: Licensure rules for establishments receiving or caring for the mentally ill are required pursuant to chapter 71.12 RCW; less costly and less restrictive residential alternatives to psychiatric hospitalization are required; and clarification is necessary in order to maintain federal resources for people requiring psychiatric care outside of hospitals.

Statutory Authority: Chapter 71.12 RCW.

Summary: Chapter 248-25 WAC describes minimum licensing standards of safety and adequate care required for operation and maintenance of adult residential rehabilitation centers and private adult treatment homes. Amendments prepared by the licensure staff in the Division of Health and staff of the mental health division would change certain phrases and words to: Emphasize resident movement toward functional capability vs. focus on characteristics of illness, clarify the nature of these noninstitutional settings to potential users and funding sources, revise outdated subsection related to tuberculosis screening, and reformat, edit and add definitions as required.

Persons Responsible for Drafting and Enforcement of the Rule: Ken Lewis, Section Head, Health Facility Survey Section, mailstop ET-31, phone 753-5851.

Rules proposed by DSHS.

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

**Reviser's note:** The material contained in this filing will appear in the 88-13 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 88-12-030**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 25, 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 food stamp assistance, amending chapter 388-49 WAC;

that the agency will at 10:00 a.m., Tuesday, July 5, 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 July 6, 1988.

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

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 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 June 21, 1988. The meeting site is in a location which is barrier free.

Dated: May 25, 1988

By: Leslie F. James, Director  
 Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

The following sections of the Washington Administrative Code are amended: WAC 388-49-020, 388-49-190, 388-49-260, 388-49-410, 388-49-420 and 388-49-480.

Purpose of the Amendments: To clarify the definitions of nonhousehold and ineligible members and to indicate how to treat the income and resources of those members.

The amendments are necessary to comply with the 7 CFR 273.1 (a) and (b), 273.11 (c) and (d) and 273.12.

#### Rule Change Summaries

WAC 388-49-020, excluded household members are renamed "ineligible household members"; status as an ineligible student is added to the definition of "ineligible household members"; ineligible student is removed from the definition of "nonhousehold member"; and the definition of "boarders" is modified to exclude those persons who must be part of the food stamp household.

WAC 388-49-190, ineligible students may not qualify as a separate food stamp household; amended to clarify parents living with their children, each purchasing and preparing meals separately, can qualify as separate households if such children have minor children living with them; amended to clarify siblings living together can qualify as separate households if each is purchasing and preparing meals separately and one sibling is living with his or her minor children; and persons disqualified because of noncompliance with work registration requirement may not qualify as a separate food stamp household.

WAC 388-49-260, ineligible students may not qualify as a separate food stamp household; and persons disqualified because of noncompliance with work registration requirements may not qualify as a separate food stamp household.

Person responsible for WAC 388-49-020, 388-49-190 and 388-49-260 drafting and implementation: Joan Wirth, CSPM, Division of Income Assistance, 234-5401 scan, OB-31C.

WAC 388-49-410 and 388-49-420 exempt resources include those held by a person disqualified for noncompliance with work requirements, or an ineligible student or alien; and resources in their entirety of ineligible members disqualified for Intentional Program Violation (IPV) or failure to meet Social Security Number requirements are considered available to the remaining household members.

Person Responsible for Rule Drafting and Implementation: Jack Hecht, CSPM, Division of Income Assistance, 234-4918 scan, OB-31C.

WAC 388-49-480, changes the term "excluded" to "ineligible"; and clarifies treatment of income for ineligible members who have been disqualified for IPV or refusal to provide a Social Security Number or ineligible because of alien status.

Person Responsible for Rule Drafting and Implementation: Mary Rose Trepanier, CSPM, Division of Income Assistance, 234-4912 scan, OB-31C.

#### AMENDATORY SECTION (Amending Order 2618, filed 4/6/88)

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

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

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

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

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

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

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

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month



cannot follow a month in which a household was certified eligible to receive benefits.

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

(10) "Boarder" means an individual, except a person described in WAC 388-49-190 (2)(a), (b), (c), or (d), who is:

- (a) Residing with the household; and
- (b) Paying reasonable compensation to the household for lodging and meals.

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

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

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

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

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

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

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

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

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

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

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

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

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

((33)) (32) "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)) (33) "Head of household" means:

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

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

- (i) The employment involves at least twenty hours per week; and
- (ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,  
(B) Exempt from work registration because of 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)) (34) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

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

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

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

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

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

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

(41) "Ineligible 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 requirements;
- (d) Status as an ineligible alien; or
- (e) Status as an ineligible student.

(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 admittance 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 nonfood 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 roomer;

(b) A live-in attendant (~~(or ineligible student)~~); ~~(and)~~ or

(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 overissuance (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) "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.

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

(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.

(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.

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

(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.

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

(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.

(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.

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

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

(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.

(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.

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

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

(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.

(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.

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

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

(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.

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

(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.

(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.

(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.

(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.

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

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

- (a) A person who lives alone;
- (b) A person who lives with others and who purchases and prepares meals separate and apart from the others;
- (c) A group of persons who live together and purchase and prepare meals together; ((or))
- (d) A permanently disabled((:)) and elderly person unable to prepare meals.

- (i) The person must be living with others.
- (ii) The person's spouse shall be included in the household.
- (iii) The income of the other household members, except the spouse, cannot exceed one hundred sixty-five percent of the poverty level.

(e) A person who is the parent of a child under 18 years of age, along with that person's child and spouse, if the person and the person's child are:

- (i) Residing with the person's parent or sibling, and
- (ii) Purchasing and preparing meals separate from the parent or sibling.

(f) A person who is a parent or sibling living with the person described in WAC 388-49-190 (1)(e) or (h);

(g) A person living with his or her natural, adoptive, or stepchildren, or such children living with parents when one parent is:

- (i) Elderly or disabled, and
- (ii) Purchasing and preparing meals separate from the child.
- (h) A person, living with a sibling, who is:
  - (i) Elderly or disabled, and
  - (ii) Purchasing and preparing meals separately.

(2) The department shall not grant separate household status to:

- (a) Children under eighteen years of age under parental control of a member of the household;
- (b) Parents living with their natural, adoptive, or stepchildren, or such children living with parents unless ((one parent is elderly or disabled)) they qualify as separate households per WAC 388-49-190 (1)(e), (f), or (g);

- (c) A spouse of a household member;
- (d) Siblings unless ((one sibling is: (i) Elderly or disabled, and (ii) Purchasing and preparing separately;)) they qualify as separate households per WAC 388-49-190 (1)(e), (f), or (h);
- (e) A boarder.

(3) The department shall consider the following persons residing with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:

- (a) Roomers,
- (b) Live-in attendants, or
- (c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household(~~(, and (d) Ineligible students~~)).

(4) The department shall consider the following persons residing with the household as ((an excluded)) ineligible household members:

- (a) ((A person)) Persons disqualified for intentional program violation;
- (b) ((A person sanctioned as part of a)) Persons disqualified ((workfare household)) because of noncompliance with work registration requirements;
- (c) ((A person)) Persons who ((is an)) are ineligible aliens; ((and))
- (d) ((A person who is)) Persons disqualified for failure to ((secure)) apply for or provide a Social Security number; or
- (e) ((A person who is)) Persons who are ineligible students.

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

WAC 388-49-260 NONHOUSEHOLD AND ((EXCLUDED)) INELIGIBLE HOUSEHOLD MEMBERS. (1) For nonhousehold

members, the department shall ((consider the following person as a nonhousehold member and not part of the food household)):

(a) ((Nonhousehold members are)) Consider separate household eligibility for those persons ((who, if otherwise eligible, qualify as a separate household and are:

- (i) Roomers;
- (ii) Live-in attendants;
- (iii) ~~Others not customarily purchasing and preparing meals with the household, or~~
- (iv) ~~Ineligible students~~);) defined in WAC 388-49-190(3);

(b) ((Do)) Not consider ((a)) nonhousehold ((eligible)) members when determining:

- (i) Household size,
- (ii) Income eligibility, or
- (iii) Benefit level((-)); and
- (c) Consider the income and resources of ((a)) nonhousehold members ((as described in)) available to the household per WAC 388-49-410 and 388-49-485.

(2) For ineligible household members, the department shall ((consider the following person as an excluded household member)):

(a) ((A person disqualified for intentional program violation;)) Not authorize food stamps for those persons defined in WAC 388-49-190(4);

- (b) ((A person sanctioned for workfare;
- (c) A person who is an ineligible alien; and
- (d) A person who is disqualified for failure to apply for or provide a Social Security number.

(3) ~~The department shall~~) Not consider ((excluded)) ineligible household members ((in)) when determining income eligibility or ((a)) ((total)) benefit levels((-)) of the household; and

((A)) (c) Consider the income and resources of ((excluded)) ineligible household members ((shall be considered as described in)) per WAC ((388-49-490 and)) 388-49-410, 388-49-420, and 388-49-480.

#### AMENDATORY SECTION (Amending Order 2575 [2619], filed 12/31/87 [4/6/88])

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)) under WAC 388-49-430;
- (i) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;
- (j) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

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

(l) Resources held separately by nonhousehold members, a person disqualified for noncompliance with work requirements, or an ineligible student;

- (m) Indian lands:
  - (i) Held jointly with the tribe((-); or
  - (ii) Sold only with the approval of the Bureau of Indian Affairs.
- (n) Resources prorated as income for self-employed persons or eligible students. These ((monies)) funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;
- (o) Cash value of resources not accessible to the household;

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

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

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

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

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

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

(u) 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)) funds commingled in an account with non-exempt funds shall continue to be exempt for up to six months from the date they are commingled.

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

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

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

(a) Liquid resources(;;);

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

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

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

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

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

(5) The department shall consider resources of ((excluded)) ineligible aliens and persons disqualified for failure to meet Social Security number requirements or intentional program violation as available to the remaining household members.

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

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

WAC 388-49-480 INCOME—((EXCLUDED)) INELIGIBLE HOUSEHOLD MEMBERS. (1) The department shall determine eligibility and benefit level for households containing a person ((excluded because of)) disqualified for intentional program violation ((or failure to comply with workfare requirements)) as follows:

(a) The entire income of the ((excluded)) disqualified person shall be considered available to the remaining household members; and

(b) The entire household's allowable earned income, standard deduction, medical, dependent care, and excess shelter deduction shall be considered in their entirety; and

(c) The household's coupon allotment shall not be increased as a result of the exclusion of one or more persons.

(2) The department shall determine eligibility and benefit level for households containing a person ((excluded)) ineligible because of ((in-eligible)) alien status or disqualification for refusal to obtain or provide a Social Security number as follows:

(a) A pro rata share of the income of the ((excluded)) ineligible person shall be counted as income to the remaining household members;

(b) The twenty percent earned income deduction shall apply to the ((excluded)) ineligible person's earned income attributed to the household; and

(c) The portion of the household's allowable shelter and dependent care expense which is paid by or billed to the ((excluded)) ineligible member shall be divided evenly among all members of the household, providing the ((excluded)) ineligible member has income.

(3) An ((excluded)) ineligible or disqualified person shall not be included when determining the household's size for purposes of:

(a) Assigning a benefit level; and

(b) Comparing the household's monthly income to the income eligibility standards.

(4) The department shall not consider the income of ineligible students or persons disqualified for failure to meet work registration requirements as available to the household with whom they reside.

**WSR 88-12-031  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed May 25, 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 chore services monthly dollar lid, amending WAC 388-15-214;

that the agency will at 10:00 a.m., Tuesday, July 5, 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 July 6, 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 July 5, 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 June 21, 1988. The meeting site is in a location which is barrier free.

Dated: May 24, 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 388-15-214.

Reason These Rule Changes are Necessary: To control expenditures for chore services.

Statutory Authority: RCW 74.08.090.

Summary of Rule Changes: Add subsection (5) to enable the department to impose a ratable for applicants and clients of chore services if monthly dollar lids are not sufficient to keep expenditures within the legislative appropriation; 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 234-1851 scan, 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 2605, filed 3/2/88)

WAC 388-15-214 CHORE SERVICES MONTHLY DOLLAR LID. (~~(A monthly dollar lid is the level established by the department to keep within the amount appropriated by the legislature.)~~) (1) The department shall establish a statewide monthly dollar lid based on the budget appropriation. The department shall impose this monthly dollar lid statewide, based on expenditure projections.

(2) When expenditure projections reach the monthly dollar lid, the department shall place names of applicants for chore services on a waiting list in the order of their risk of residential placement.

(3) The department shall admit all those at high risk, as defined in WAC 388-15-208(12), to the program before those at risk of residential care placement, as defined in WAC 388-15-208(11).

(4) When the projected chore service monthly expenditures fall below the monthly lid, the department (~~(with)~~) shall contact applicants on the waiting list in the following priority order:

(a) Level A. Applicants at high risk of residential care placement needing help with any one of the following personal care tasks:

- (i) Feeding,
- (ii) Body care,
- (iii) Bed transfer,
- (iv) Wheelchair transfer, or
- (v) Toileting.

(b) Level B. Applicants at high risk of residential care placement needing help with four to six other personal care tasks;

(c) Level C. Applicants at high risk of residential care placement needing help with one to three other personal care tasks;

(d) Level D. Applicants at risk of residential care placement needing help with five household tasks;

(e) Level E. Applicants at risk of residential care placement needing help with three or four household tasks; and

(f) Level F. Applicants at risk of residential care placement needing help with one or two household tasks.

(5) The department may establish a ratable scale based on the amount of additional reductions required, when monthly dollar lids are not sufficient, to stay within the legislative appropriation for the chore services program.

(a) The ratable scale shall reduce the level or amount of services authorized below the level of need assessed for some or all clients.

(b) The reductions shall maintain state-wide uniformity of eligibility and service authorization standards.

(c) The reductions shall consider the level of need for services and degree of risk of being placed in a residential care facility of all applicants for and/or clients of chore services.

rules concerning hospitals, amending chapter 248-18 WAC;

that the agency will at 10:00 a.m., Tuesday, July 26, 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 July 27, 1988.

The authority under which these rules are proposed is RCW 70.41.030.

The specific statute these rules are intended to implement is chapter 70.41 RCW.

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

Dated: May 24, 1988

By: Leslie F. James, Director  
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-18-99902 Appendix B—Dates of documents adopted by reference in chapter 248-18 WAC, 248-18-655 (1)(c)(d)(e) Radiology facilities, 248-18-718 (6)(h) and (8)(h)(iii) General design and 248-18-515.

Purpose of the Amended Rule: To update outdated reference list of industry standards, guides and codes which are adopted by reference in those sections of chapter 248-18 WAC governing hospital construction.

Reason(s) These Rules are Necessary: Since the state Fire Marshal and local codes now require adherence to requirements in updated editions of documents referenced, state licensure rules require modification to be current, consistent and in the public interest.

Statutory Authority: RCW 70.41.030.

Summary of the Rule Change: The titles, dates or both of some referenced material were changed to be consistent with titles and dates which were changed throughout industry standards.

Person Responsible for the Enforcement of the Rule: Sylvia I. Beck, Section Manager, Consultation and Construction Review, Office of Licensing and Certification, Division of Health, mailstop ET-12, phone (206) 753-5822.

Rules proposed by the Consultation and Construction Review Section, Office of Licensing and Certification, Division of Health, DSHS.

WSR 88-12-032  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Health)

[Filed May 25, 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

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

**Reviser's note:** The material contained in this filing will appear in the 88-13 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 88-12-033**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**  
[Filed May 26, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Forest Practices Board intends to adopt, amend, or repeal rules concerning forest practices, rules and regulations, Title 222 WAC, technical corrections, improve clarity, better define parks, allow small harvest within parks without environmental review unless required by other statutes, rules or ordinances, describe common boundary between Eastern and Western Washington for riparian management zone design, and describe design criteria for Eastern Washington riparian management zones;

that the agency will on July 6, 1988, Spokane County, Public Health Building, West 1101 College, Spokane, WA 99201; and on July 7, 1988, Ellensburg, Hal Holmes Community Center, 2nd and Ruby, Ellensburg, WA 98926, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 21, 1988.

The authority under which these rules are proposed is RCW 76.09.040.

The specific statute these rules are intended to implement is chapter 76.09 RCW, Forest Practices Act.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 31, 1988.

Dated: May 25, 1988  
By: Brian J. Boyle  
Commissioner of Public Lands

**STATEMENT OF PURPOSE**

Title and Number: Forest practices, rules and regulations in Title 222 WAC.

Statutory Authority: RCW 76.09.040.

Specific Statute that Rule is Intended to Implement: Chapter 76.09 RCW, Forest Practices Act.

Summary of the Rules: The proposed amendments to Title 222 WAC, include technical corrections, further define parks, describe small harvest in parks that may not require an environmental review, explain the purposes of riparian management zones (RMZ), describe the common boundary between Western and Eastern Washington for the purpose of riparian management zone design, clarify language and specific design criteria for different regions and kinds of riparian management zones; Eastern Washington riparian management zones have been designed for the environmental and operational conditions and the habitat requirements of fish

and wildlife of that region; the proposed rules to establish Eastern Washington RMZ's and design criteria were suggested by representatives of state agencies, Indian tribes, forest industry and interested citizens following field studies and surveys by the group; fewer leave trees are proposed for small harvest operations within the riparian management zone. The small landowner may request state agencies to assist in the design of an alternate plan; and the Eastern Washington rules are the first to be proposed by adaptive management policy using a process listed in WAC 222-08-035 and 222-12-045 (adopted in 1987).

**Reasons Supporting the Proposed Rules:** During the 1987 rule adoption process, the Forest Practices Board believed there were regional differences that should be recognized in the rules. However, at that time, the board lacked data for different zone criteria. The recently completed joint study by a timber, fish and wildlife committee has provided the necessary data and information to design Eastern and Western Washington riparian management zones.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule:** Thomas E. Robinson, Executive Secretary, Washington Forest Practices Board, 1007 South Washington Street, Mailstop EL-03, Olympia, WA 98504, phone (206) 753-5315.

**Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule:** Washington Forest Practices Board; Chairman and Commissioner of Public Lands Brian Boyle.

**Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule:** The proposed rules meet the intent and purposes of the Forest Practices Act by recognizing regional differences in forest conditions, forest practices and in habitat requirements of fish and wildlife.

The rule is not necessary to comply with a federal law or a federal or state court decision. The Forest Practices Act, rules and regulations were adopted, in part, as the state's response to the Federal Clean Water Act, P.L. 95-217, section 208, regulating silviculturally related, nonpoint pollution. The Federal Environmental Protection Agency has certified Washington forest practices, rules and regulations as "best management practices" for controlling silviculturally related nonpoint pollution. The proposed rules further regulate nonpoint pollution of forest practices. Protection of fish and wildlife habitat is the principal purpose of the proposed rules which describe design criteria of riparian management zones. Water quality is also protected.

**Any Other Information that may be of Assistance in Identifying the Rule or its Purpose:** Draft supplemental environmental impact statement.

**REGULATORY FAIRNESS ACT STATEMENT**

Summary of Rules: Amendment of WAC 222-30-010 and 222-30-020 is proposed to design riparian management zones for protection of water quality, fish and

wildlife habitat. An Eastern Washington riparian management zone (RMZ) is established with different criteria than those of Western Washington. The common boundary between the regions is described for purposes of RMZ design. Amendment of WAC 222-16-010 and 222-16-050 is proposed for definition of parks and to allow small amounts of harvest without environmental review if there are no other statutes, rules or ordinances that would require such review. Other amendments are technical corrections that do not modify existing intent or purposes of the rules.

**Filing Date and List of Changes:** The proposed rules and the notice of hearing are scheduled for filing with the code reviser shortly after the Forest Practices Board meeting of May 25, 1988. Regular rules adoption is planned later in the year. Two public hearings are planned in July for review of the draft supplemental environmental impact statement (SEIS) and the rules. Amendments are proposed in Title 222 WAC.

**Economic Analysis:** A previous economic analysis was commissioned by the Forest Practices Board. The analysis could not be completed because basic data on public resources and private operational costs were either unavailable or lacked adequate detail or were not verified, nor is adequate data available now. Copies of the economic analysis are available from the Washington State Library System and may be purchased at cost from the Department of Natural Resources. Similar economic issues were addressed in the Forest Research Lab, Research Bull. #61 (1987), Oregon State University, Corvallis. The report is a modelled case study of Oregon's "streamside management area" cost impacts on landowner and operator. This study differs from the Washington study as cost impacts on public resources were not considered an appropriate subject of the Oregon study. Proposed rule changes directly affect Eastern Washington landowners and operators. The actual costs may differ from existing rules. Studies are needed to determine impacts and costs of existing and proposed rules. A series of cooperative studies is being planned with the assistance of the timber, fish and wildlife group. Some of the studies will be partially funded by the legislature. Directly impacted are SIC Code 241 businesses of "Logging camps and contractors," and large and small landowners, SIC Code 081, "Timber Tracts." Perhaps all costs will be absorbed by operators and landowners, except where markets and competition allow some costs to be passed through to purchasers.

**Mitigation of Increased Costs:** Costs for small operations in riparian management zones are reduced by allowing fewer leave trees and by providing the small landowner with agency assistance in the design of alternate plans. Studies are planned to determine the effectiveness of the existing and proposed rules. There is an existing cooperative approach to review and change the rules as studies and need indicate.

**Small Business Exemption:** There are no exemptions for small businesses, but costs are mitigated for small operations and state planning assistance may be provided upon request of the small landowner. The Forest Practices Act and Title 222 WAC provide for administrative hearings and nonjudicial reviews by the Forest

Practices Appeals Board. Dissatisfied landowners, operators and others may appeal administrative and enforcement actions of the Department of Natural Resources without resort to superior courts. Court appeals are also available. Small business interests have been active in rules adoption proceedings and rules have been modified in recognition of their needs.

**Actual Costs:** Actual costs will vary with site-specific conditions and the capabilities of landowner and operator. Specialized equipment may have to be purchased or rented or operations changed. Costs per \$100 of product could increase unless there were compensating improvements in productivity.

**AMENDATORY SECTION** (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-12-090 FOREST PRACTICES BOARD MANUAL. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

- (1) Temperature sensitive determinations needed for use with WAC 222-30-040.
- (2) Procedures for leaving the required 50 percent or 75 percent shade as required in WAC 222-30-040.
- (3) A list of "critical wildlife habitats" as established under WAC 222-16-010(11).
- (4) The standard methods for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.
- (5) A chart for establishing recommended permanent culvert sizes and associated data.
- (6) Guidelines for clearing slash and debris from Type 4 and 5 Waters.
- (7) Guidelines for landing location and construction.
- (8) Guidelines for determining acceptable stocking levels.
- (9) Guidelines for calculating average widths of riparian management zones.

**AMENDATORY SECTION** (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-16-010 GENERAL DEFINITIONS.\* Unless otherwise required by context, as used in these regulations:

- (1) "Act" means the Forest Practices Act, chapter 76.09 RCW.
- (2) "Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.
- (3) "Appeals board" means the forest practices appeals board established in the act.
- (4) "Board" means the forest practices board established by the act.
- (5) "Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.
- (6) "Chemicals" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, insecticides, rodenticides, plant-growth regulators, fungicides, fertilizers, desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.
- (7) "Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.
- (8) "Completion of harvest" means the latest of:
  - (a) Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or
  - (b) Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of

yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

(c) Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: PROVIDED, That delay of reforestation under this subsection (c) is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

(9) "Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

(10) "Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

(11) "Critical wildlife habitat" means the habitat of any threatened or endangered species, as such habitat is established by the board in the forest practices board manual, or other situations as identified by the board, after consultation with the department of wildlife, where specific management practices are needed to prevent critical wildlife habitat destruction.

(12) "Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

(13) "Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

(14) "Department" means the department of natural resources.

(15) "End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

(16) "Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

(17) "Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

(18) "Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(19) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(20) "Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(21) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(22) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

(23) "Historic site" includes:

(a) Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

(b) Places associated with a personality important in history; or

(c) Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

(24) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

(25) "Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

(26) "Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

(27) "Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

(28) "Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

(a) Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

(b) Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

(29) "Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

(30) "Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(31) "Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

(32) "Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

(33) "Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

(34) "Pesticide" means any insecticide, herbicide or rodenticide but does not include nontoxic repellents or other chemicals.

(35) "Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

(36) "Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

(37) "Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.



(38) "Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

(39) "Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

(40) "Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

(41) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

(42) "Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

(43) "Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

(44) "Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

(45) "Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

(46) "Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

(47) "Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

(48) "Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

(49) "Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

(50) "Threatened or endangered species" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of wildlife determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

(51) "Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

(52) "Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

(53) "Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

(54) "Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

#### AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-16-050 CLASSES OF FOREST PRACTICES. There are 4 classes of forest practices created by the act. These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - special." Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

\* (a) Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020 (5)(i).

(b) Harvesting, road construction, site preparation or aerial application of pesticides:

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

(c) Widespread use of DDT or a similar persistent insecticide.

(d) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

\* (e) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) when such slide prone areas occur on an uninterrupted slope above a Type 1, 2, 3 or 4 Water where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning.

(j) Tree planting and seeding.

(k) Removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where



the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

(iii) The following operations except those involving off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(A) Salvage of logging residue.

(B) Salvage of dead, down or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(C) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(D) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(E) Any harvest on less than 40 acres.

(F) Construction of 600 or more feet of road, provided that the department shall be renotified at least 2 business days before commencement of the construction.

(5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-030 DELIVERY OF NOTIFICATIONS AND APPLICATIONS—RECEIPTS—FILE NUMBERS. (1) Notifications and applications should be delivered in person or by registered or certified mail to the department at the appropriate ((area)) region office. Notifications and applications actually received at the appropriate ((area)) region office by other means may be accepted or returned to the applicant.

(2) Upon delivery of a notification or application to the appropriate ((area)) region office, a written receipt for such notification or application shall be issued by the department as follows:

(a) If delivery is in person, a dated receipt shall be issued immediately to the applicant.

(b) If delivery is by registered or certified mail, a dated receipt shall be mailed immediately to the applicant.

(c) If delivery is by other means, a receipt dated on the day the department begins processing the application shall be mailed to the applicant.

(3) Each receipt will indicate the file number assigned to the notification or application.

#### AMENDATORY SECTION (Amending Resolution No. 82-1, filed 8/3/82, effective 10/1/82)

WAC 222-30-010 POLICY—TIMBER HARVESTING. This section covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, postharvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. The riparian management zone requirements specified in this section are designed to provide protection for water quality and fisheries and wildlife habitat through ensuring present and future supplies of large organic debris for streams, snags, canopy cover, and a multistoried diverse forest adjacent to Type 1, 2 and 3 Waters. (NOTE: OTHER LAWS OR REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

#### AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-30-020 HARVEST UNIT PLANNING AND DESIGN. (1) Logging system. The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these regulations.

\* (2) Landing locations. Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

(3) Landing construction.

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

(b) Where the average general slopes exceed 65 percent, fill material used in construction of landings shall be free of loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

\* (c) Truck roads, skid or fire trails shall be outsloped or cross drained uphill of landings and the water diverted onto the forest floor away from the toe of any landing fill.

(d) Landings shall be sloped to minimize accumulation of water on the landing.

\* (e) Excavation material shall not be sidecast where there is high potential for material to enter below the ordinary high-water mark of any stream or the 50-year flood level of Type 1, 2, 3 or 4 Water.

\* (4) Riparian management zones. For the purpose of riparian management zone design the state shall be divided along an administrative line which approximates the change from the Western Washington

timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,  
 thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,  
 thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,  
 thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,  
 thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,  
 thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,  
 thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,  
 thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,  
 thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,  
 thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,  
 thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,  
 thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,  
 thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,  
 thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,  
 thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,  
 thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,  
 thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,  
 thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,  
 thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,  
 thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,  
 thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,  
 thence south along Skamania-Klickitat County line to Oregon-Washington state line.

(5) Western Washington riparian management zones. These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include swamps, bogs, marshes or ponds adjacent to the stream.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and temperature control. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

(WATER TYPE/ AVERAGE WIDTH	RMZ MAXIMUM WIDTH	RATIO OF CONIFER TO DECIDUOUS/ SIZE OF LEAVE TREES	# TREES/1000 FT. EACH SIDE GRAVEL/BOULDER/ COBBLE BEDROCK <10" DIAMETER
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1 & 2 Water 75' & over	100'	representative of stand	50 trees 25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees 50 trees except N.E. Wash.: 75 trees 50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available except N.E. Wash.: 8" or next largest available	75 trees 25 trees except N.E. Wash.: 6" or next largest available))
3 Water less than 5'	25'	1 to 1/ 6" or next largest available))	25 trees 25 trees

WATER TYPE/ AVERAGE WIDTH	RMZ MAXIMUM WIDTH	RATIO OF CONIFER TO DECIDUOUS/ MINIMUM SIZE OF LEAVE TREES	# TREES/1000 FT. EACH SIDE GRAVEL/ COBBLE <10" DIAMETER	BOULDER/ BEDROCK
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1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees	25 trees
3 Water less than 5'	25'	1 to 1/ 6" or next largest available	25 trees	25 trees

((The leave tree requirement for northeastern Washington applies only to Stevens, Pend Oreille, Spokane, and Ferry Counties and that portion of Okanogan County lying east of the Okanogan River.)) "Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified.

Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within the riparian management zone of Type 1, 2 or 3 Waters and ((either)) the harvest unit is a clearcutting of 30 acres or less ((or in eastern Washington, the harvest unit is a partial cutting of 80 acres or less)), leave not less than 50 percent of the trees required in (c) of this subsection. ((Sec WAC 222-16-010(33) partial cutting.))

(5)) \* (6) Eastern Washington riparian management zones. These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include swamps, bogs, marshes, or ponds adjacent to the stream.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with

these regulations, including those regulations relating to stream bank integrity and temperature control. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010(33) Partial cutting. When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all snags within the riparian management zone that do not violate the state safety regulations (chapter 296-54 WAC department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 snags/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within the riparian management zone of Type 1, 2 or 3 Waters and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010(33) Partial cutting.)

(7) Type 4 Water riparian leave tree areas. The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

((6)) (8) Future productivity. Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

((7)) (9) Wildlife habitat. This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of wildlife to identify critical wildlife habitats as

defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Where a critical wildlife habitat has been identified the applicant shall consider reasonable means of protection thereof as part of the proposed harvesting operation.

(c) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(d) In areas where this will not create a significant fire or safety hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), a reasonable number of snags will be left to protect habitat for cavity nesting wildlife.

**AMENDATORY SECTION** (Amending Resolution No. 86-2, filed 10/10/86, effective 12/1/86)

WAC 222-34-050 URBAN AND OTHER LANDS EXEMPTED FROM THE REFORESTATION REQUIREMENTS. (1) Those lands which an applicant has declared are to be converted to a nonforest use and are in fact converted within 3 years of completion of harvest.

(2) Those lands the department determines should be exempted in whole or in part where the forest land has the likelihood of future conversion to urban development and where:

(a) They have the likelihood of development within a 10 year period, and

(b) The development is for urban use, and

(c) The development contemplated would be consistent with any local or regional land use plans or ordinances, and

(d) Said lands have not been classified or designated reforestation lands under chapter 84.28 RCW, forest land under chapter 84.33 RCW or timber lands under chapter 84.34 RCW (Open space law).

(3) Utility rights of way. Reforestation is not required for initial clearing or reclearing of utility rights of way in actual use for utility purposes or scheduled for construction of utility facilities within ((ten)) 10 years from the date of completion of harvest, provided that if the scheduled facility is not completed, the area shall be reforested within ((one)) 1 year.

(4) Public lands. Reforestation is not required on the following lands, unless required by regulation of the agency owning or acquiring the lands:

(a) Lands owned in fee by a public agency which has budgeted for construction within 10 years a specific project inconsistent with commercial timber production.

(b) Lands being acquired by public agency for construction within 10 years of a project inconsistent with timber production, if at the time of completion of harvest the public agency has entered into a binding contract for the purchase of the lands or initiated legal proceedings for the condemnation of the lands.

**AMENDATORY SECTION** (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-38-020 HANDLING, STORAGE, APPLICATION.

\* (1) No pesticide leakage, contamination, pollution.

(a) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants, and animals.

(b) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage, until the deficiency has been corrected to the satisfaction of the department suspending its usage.

\* (2) Streams, lakes and public waters. No person shall pollute streams, lakes, and other public water supplies in their pesticide loading and mixing operation. Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

\* (3) Mixing and landing areas.

(a) Mix chemicals and clean tanks and equipment only where any accidental spills would not enter any water types.

(b) Landing areas should be located where accidental spillage of chemicals will not cause them to become a contaminant. If any chemical is spilled, immediate appropriate procedures should be taken to contain or neutralize it.

\* (4) Riparian management zone. Chemical treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

\* (5) Aerial application.

(a) To keep chemicals out of the water, leave a 50 foot buffer strip on Type 1, 2, 3 and flowing Type 4 and 5 Waters and other areas of open water, such as ponds or sloughs. Do not spray chemicals in buffer strips or riparian management zones. Provided that fertilizers may be applied to within 25 feet of the water.

(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection on Type 1, 2, 3 or flowing Type 4 and 5 Waters. Parallel flight adjacent to all buffer strips shall be required unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off chemical application during turns and over open water.

(e) Do not allow direct entry of chemicals into any Type 1, 2, 3 or flowing Type 4 and 5 Waters.

(f) Leave at least 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(g) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units so they are visible from the air. Before application of the chemical an over-flight of the area shall be made by the pilot and a responsible agent of the landowner.

(h) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, and a contact telephone number.

(i) Any water purveyor of a certified Class 1, 2 or 3 system, as defined in WAC ((~~248-54-560~~) 248-54-015), may request the department to designate lands within the watershed upstream of the surface water intake of the affected water supply as an "area of water supply interest." Prior to requesting such designation, the purveyor shall personally or by certified mail deliver to each landowner of record within such area, a copy of the request, a map showing proposed area boundaries and the name and address of the purveyor. The department may designate an "area of water supply interest" in such area(s) where it determines that the aerial application of pesticides may adversely impact the affected water supply. Where the department has designated an "area of water supply interest," it shall notify the purveyor of any Class IV Forest Practices for the aerial application of pesticides.

\* (6) Stream protection – ground application with power equipment.

(a) Leave a 10 foot buffer strip on each side of every Type 1 and 2 Water and each flowing Type 3 Water.

(b) Do not allow entry of chemicals into any water.

(c) Do not exceed allowable dosages.

\* (7) Stream protection – hand application.

Apply only to specific targets, such as a stump, burrow, bait or trap.

\* (8) Limitations on application. Chemicals shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

\* (9) Container disposal. Chemical containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner not inconsistent with any applicable regulations of the state department of agriculture or the state or local health departments.

\* (10) Daily records – aerial application of pesticides. On all aerial applications of pesticides, the operator shall maintain for 3 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

\* (11) Reporting of spills. All potentially damaging chemical spills shall be immediately reported to the department of ecology.

AMENDATORY SECTION (Amending Resolution No. 82-1, filed 8/3/82, effective 10/1/82)

WAC 222-50-020 OTHER AGENCY REQUIREMENTS. (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) Hydraulics project approval law, RCW 75.20.100. A hydraulics project approval must be obtained from the department of fisheries and the department of (~~game~~) wildlife prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC ((~~232-12-655~~) 232-14-010).

(3) Compliance with the Shoreline Management Act, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of (~~game~~) wildlife to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

## WSR 88-12-034

### ADOPTED RULES

#### STATE EMPLOYEES INSURANCE BOARD

[Resolution No. 88-1—Filed May 26, 1988—Eff. July 1, 1988]

Be it resolved by the State Employees Insurance Board, acting at Department of Personnel Board Room, 600 Franklin, Olympia, WA, that it does adopt the annexed rules relating to amending WAC 182-12-115 and 182-12-165; and repealing WAC 182-12-120.

This action is taken pursuant to Notice No. WSR 88-09-058 filed with the code reviser on April 20, 1988. These rules shall take effect at a later date, such date being July 1, 1988.

This rule is promulgated under the general rule-making authority of the State Employees Insurance Board as authorized in RCW 41.05.010.

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 May 25, 1988.

By C. H. Shay  
Assistant Benefits Manager

**AMENDATORY SECTION** (Amending Resolution No. 86-6, filed 10/10/86)

WAC 182-12-115 **ELIGIBLE EMPLOYEES ((AND)), RETIREES, AND DEPENDENTS.** The following definitions of eligible employees **((and)), retirees, and dependents** of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEIB approved plans except as otherwise stated in this chapter:

(1) **"((Full-time)) Permanent employees."** Those who **((work a full-time work week for their agency)) are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.**

(2) **"((Permanent part-time)) Nonpermanent employees."** Those who **((do not work full-time, but who are under continuous employment by an agency, and who are scheduled to work at least 80 hours per month)) are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.**

(3) **"((Career)) Seasonal employees."** Those who work at least **((80 hours)) half-time per month during a designated season for a minimum of three months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season.**

(4) **"Part-time faculty."** Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the

part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEIB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) **"Appointed and elected officials."** Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) **"Judges."** Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) **"Retirees and disabled employees."** Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEIB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

(8) **"Eligible dependents."** The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse.

(b) Dependent children through age twenty.

(c) Dependent children age twenty-one through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four

school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap are also eligible, provided such condition occurs prior to age twenty-one or during the time the dependent was covered under an SEIB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty-one or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Children" includes natural children, stepchildren, adopted children, and approved foster children. A foster child must be under age twenty-one at the time of approval. "Children" also includes married children if dependent upon the employee/retiree within the meaning of the Internal Revenue Code.

(f) "Dependent parents." Parents of the employee/retiree or their spouse are eligible subject to Internal Revenue Code dependency status and qualification. Eligibility is subject to making application and verification.

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-12-165 STATE CONTRIBUTION FOR PERMANENT EMPLOYEES APPOINTED TO INSTRUCTIONAL YEAR OR SEASONAL POSITIONS. ((Otherwise eligible employees appointed to seasonal positions including those employees in the higher education institutions who work on an instructional year basis, or those employees having an employment relationship to provide services in successive years or school terms)) Eligible employees appointed to work half-time or more on an instructional year (school year) or equivalent nine month seasonal basis, shall be eligible to receive the state contribution for insurance ((between periods of active employment. However, otherwise eligible employees appointed to seasonal positions who would otherwise be eligible for the state contribution, who enroll in any other employer paid group insurance program, not under the authority of SEIB, shall not receive the state contribution until they return to active employment)) during the off-season following each period of seasonal employment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-12-120 NONELIGIBLE EMPLOYEES.

**WSR 88-12-035**

**ADOPTED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 88-8—Filed May 26, 1988—Eff. July 1, 1988]

I, Christine O. Gregoire, director of the Department of Ecology, do promulgate and adopt at the Department

of Ecology, Headquarters, Lacey, Washington, the annexed rules relating to

- New ch. 173-223 WAC Interim waste water discharge permit fees.
- Amd ch. 173-222 WAC Wastewater discharge permit fees.
- Amd ch. 173-220 WAC National pollutant discharge elimination system permit program.
- Amd ch. 173-216 WAC State waste discharge permit program.

This action is taken pursuant to Notice No. WSR 88-07-103 filed with the code reviser on March 23, 1988. These rules shall take effect at a later date, such date being July 1, 1988.

This rule is promulgated under the general rule-making authority of the Department of Ecology as authorized in chapter 43.21A 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 May 26, 1988.

By Christine O. Gregoire  
Director

Chapter 173-223 WAC  
INTERIM WASTEWATER DISCHARGE PERMIT FEES

WAC

- 173-223-015 Purpose and authority.
- 173-223-020 Applicability.
- 173-223-030 Definitions.
- 173-223-040 Permit fee schedule.
- 173-223-050 Permit fee payments.
- 173-223-060 Permits issued by other governmental agencies.
- 173-223-070 Credits.
- 173-223-080 Transfer of ownership or control.
- 173-223-090 Administrative appeals to the director.
- 173-223-100 Deposits.
- 173-223-110 Past due payments.

NEW SECTION

WAC 173-223-015 PURPOSE AND AUTHORITY. It is the purpose of this chapter to establish an interim fee system for permits issued by the department of ecology pursuant to RCW 90.48.160, 90.48.162, and 90.48.260. This fee system is subject to change in fiscal year 1990 and beyond. RCW 90.48.610 authorizes the department to charge fees to recover administrative expenses incurred in the issuance and administration of wastewater discharge permits. Annual operating fees shall be based on seven fee eligible categories listed in RCW 90.48.600:

- (1) Processing permit applications and modifications;
- (2) Monitoring and evaluating compliance with permits;
- (3) Conducting inspections;
- (4) Securing laboratory analysis of samples taken during inspections;

- (5) Reviewing required plans and documents directly related to operations of permittees;
- (6) Monitoring compliance with delegated pretreatment programs; and
- (7) Supporting the overhead expenses that are directly related to each of the preceding activities. Expenses start when a permit application is filed with the department of ecology.

**NEW SECTION**

WAC 173-223-020 **APPLICABILITY.** This chapter applies to all persons or entities holding a waste discharge permit issued pursuant to RCW 90.48.160, 90.48.162, and 90.48.260, including persons or entities holding permits that remain in effect under WAC 173-216-040 or 173-220-180(5) and RCW 90.48.200.

**NEW SECTION**

WAC 173-223-030 **DEFINITIONS.** (1) "Annual fee" means the fee which is paid annually based on the state's fiscal year (July 1 to June 30).

(2) "Concentrated animal feeding operation" means an "animal feed operation" which meets the criteria in Appendix B of 40 CFR 122.23 (b)(3).

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology or authorized representative.

(5) "EPA" means the United States Environmental Protection Agency.

(6) "GPD" means permitted flow expressed in gallons per day.

(7) "Industrial facility" means any facility not included in definition of "municipal/domestic facility."

(8) "Major facility" means any NPDES permitted facility or activity classified as such by the Region 10 administrator of the Environmental Protection Agency in conjunction with the director as published in the state-EPA agreement for fiscal year 1988. Other facilities may be classified by agreement between EPA and the department based on EPA criteria following submittal of an application for a new source permit or permit modification.

(9) "MGD" means permitted flow expressed in million gallons per day.

(10) "Municipal/domestic facility" means a publicly-owned facility treating domestic wastes together with such industrial wastes as may be present, or a privately-owned facility treating domestic wastes.

(11) "Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product, and which does not contain chemicals added by the permittee.

(12) "NPDES permit" means the National Pollutant Discharge Elimination System permit issued by the department pursuant to section 402 of the Federal Clean Water Act and RCW 90.48.260.

(13) "Permit fee" means that fee charged by the department of ecology for expenses associated with the activities specified in WAC 173-223-015.

(14) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(15) "Permitted flow" means:

(a) For municipal/domestic facilities, the monthly average flow limitation contained in the permit;

(b) For industrial facilities, the daily maximum flow limitation contained in the permit;

(c) For permits in which a flow limit is not specified, the department shall use the design flow corresponding to (a) or (b) of this subsection.

(16) "Residential equivalent" means:

(a) For residential hookups, a single family residential unit; and for industrial or commercial hookups, a flow quantity of two hundred fifty gallons per day, or a biochemical oxygen demand quantity of 0.5 pounds per day, or a total suspended solids quantity of 0.5 pounds per day whichever basis yields the highest number; or

(b) A definition of residential equivalent submitted by the permittee and approved by the department that yields substantially similar results to (a) of this subsection.

(17) "State waste discharge permit" means a permit required under chapter 173-216 WAC.

**NEW SECTION**

WAC 173-223-040 **PERMIT FEE SCHEDULE.** Tables 1, 2, and 3.

- (1) Industrial categories.
- (2) Municipal/domestic categories.
- (3) Special primary industry categories.

Table 1

INDUSTRIAL CATEGORIES	ANNUAL PERMIT FEE
Major industries listed in Table 3	\$ 31,000
Major industries not listed in Table 3	\$ 8,000
Minor industries listed in Table 3	\$ 7,000
with permitted flows > 10,000 GPD	
Minor industries not listed in Table 3	\$ 2,500
with permitted flows > 10,000 GPD	
Minor industries listed in Table 3	\$ 2,000
with permitted flows < 10,000 GPD	
Minor industries not listed in Table 3	\$ 600
with permitted flows < 10,000 GPD	
Minor industries not listed in Table 3	\$ 500
discharging noncontact cooling water only	
Hatcheries/fish rearing/aquaculture	\$ 1,500
Water treatment plants	\$ 1,250
Concentrated animal feeding operations	\$ 1,000
General permits	70% of fee category in which they would otherwise belong
Industries with permitted flows ≤ 800 GPD	\$ 150



Table 2  
MUNICIPAL/DOMESTIC

Permitted Flows	Minor Facility	Major Facility	Facility w/Pretreatment*
> 100 MGD	—	—	\$35,000
50 MGD to < 100 MGD	—	—	\$25,000
25 MGD to < 50 MGD	—	—	\$20,000
10 MGD to < 25 MGD	—	\$12,000	\$15,000
5 MGD to < 10 MGD	\$7,500	\$10,000	\$12,000
1 MGD to < 5 MGD	\$6,000	\$ 8,000	\$ 9,000
.5 MGD to < 1 MGD	\$4,500	\$ 6,000	—
.1 MGD to < .5 MGD	\$2,500	—	—
.05 MGD to < .1 MGD	\$1,000	—	—
.008 MGD to < .05 MGD	\$ 500	—	—
≤ .008 MGD	\$ 150	—	—

\*Municipal/domestic facilities with delegated pretreatment programs as authorized by the Federal Water Pollution Control Act.

Table 3  
Special Industrial Categories

Adhesives and sealants  
Aluminum forming  
Battery manufacturing and recycling  
Coal mining  
Coil coating  
Copper forming  
Electrical and electronic components  
Electroplating  
Explosives  
Gum and wood chemicals  
Inorganic chemicals manufacturing  
Iron and steel manufacturing  
Leather tanning and finishing  
Metal finishing  
Metal molding and casting  
Nonferrous metals forming and metal powders  
Nonferrous metals manufacturing  
Nuclear fuels  
Ore mining and dressing  
Organic chemicals manufacturing  
Paint and ink formulation  
Pesticides  
Petroleum refining  
Pharmaceutical manufacturing  
Plastics molding and forming  
Plastic and synthetic materials manufacturing  
Porcelain enameling  
Printing and publishing  
Pulp, paper, and paperboard  
Rubber manufacturing  
Shipyards  
Soap and detergent manufacturing  
Steam electric power plants  
Solid waste disposal sites  
Tank cleaning and barrel reclamation  
Textile mills  
Timber products processing

## NEW SECTION

### WAC 173-223-050 PERMIT FEE PAYMENTS.

(1) Permit fee computation. Computation of fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48-.200, computation shall begin on the sixty-first day after the department receives an application. Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, on the date of termination. Computation shall end on the expiration date of a permit only if a permit holder has indicated to the department in writing that the permitted activity has been terminated.

(2) The department shall charge fees based on the annual fee schedule contained in WAC 173-223-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Fee payment shall be due and payable thirty days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis, and may adjust fees downward from the fee schedule if necessary to assure that total fees collected are within the maximum amount allowed under RCW 90.48.600 (three million six hundred thousand dollars per year). In cases where a permit is only in effect for a portion of the fiscal year upon which the annual fee is based, the department shall prorate the fee accordingly. In addition to other circumstances, this applies where the department terminates a permit upon its determination that an industry which discharges to a municipal sewer system is satisfactorily regulated by a local pretreatment program.

(3) Delayed payment. In cases where payment of the total amount of fee charges, by the due date specified in this subsection, would cause substantial economic hardship, a permit holder may request that the department allow delayed payment. Such a request must be submitted to the department's fiscal office in writing by the permit's payment due date, and must include information demonstrating that such a hardship would occur. The department may approve such a request provided that the permit holder enters into a written agreement with the department to pay the fee charges and interest as specified in WAC 173-223-030, according to a specific delayed schedule, and that all fee and interest charges shall be paid in full by the fifteenth day of the last month of the year for which the fee is due.

(4) The applicable permit fee shall be paid by check or money order payable to the department of ecology, and mailed to the Department of Ecology, Fiscal Office, Mailstop PV-11, Olympia, Washington 98504.

(5) In the event checks are returned due to insufficient funds, fees shall be deemed not to have been paid.

(6) Interest due on delinquent or delayed accounts. The department shall charge permit holders interest on fee charges that have not been paid by the due date at



the rate of ten percent per annum, compounded monthly. Interest charges shall be due and payable in the same manner as fees, and nonpayment of interest charges shall be deemed as nonpayment of fees for purposes of collection and enforcement.

(7) Enforcement for nonpayment. If a permit holder has failed to pay fee charges that are due and payable, the department shall give notice of intent to terminate the permit after thirty days in accordance with RCW 90.48.190 unless fee and interest charges are paid in full within that time. Such notice shall be given by certified mail or by personal delivery, and shall state the exact amount due and the date by which the charges must be paid. If the full payment is not received by the department by the specified date, the department shall promptly issue an order terminating the permit. Such order shall be transmitted by certified mail or by personal delivery. Following termination of a permit, if the activity requiring a permit continues, the department shall either commence issuing civil penalties under RCW 90.48.144, or shall file an action to enjoin the activity previously authorized by the permit in a court of jurisdiction, or both. Civil penalties issued by the department shall be sufficiently large to offset the economic benefit gained from nonpayment of fees and to deter continued operation and/or nonpayment. Payment of civil penalties shall not be deemed as payment of fees, nor shall payment of fees after assessment of penalties be deemed as a cause for reducing the penalty: PROVIDED, That the department may reduce or set aside penalties upon a determination that it made a factual error or errors in assessing the penalty. Nothing herein shall be interpreted as restricting the authority of the department to exercise its other enforcement remedies as authorized by law.

#### NEW SECTION

WAC 173-223-060 PERMITS ISSUED BY OTHER GOVERNMENTAL AGENCIES. The department shall not charge fees for permits issued by a city, town, or municipal corporation under RCW 90.48-.165, nor for permits issued by the energy facilities site evaluation council under RCW 80.50.071, nor for permits administered by the EPA under 33 U.S.C. 1251, et seq. Nothing herein shall restrict the department from charging fees to recover administrative expenses of permits it issues under RCW 90.48.160 for discharges into municipal sewer systems, nor for charging fees to recover administrative expenses related to monitoring compliance with delegated pretreatment programs.

#### NEW SECTION

WAC 173-223-070 CREDITS. Any public entity engaging in comprehensive monitoring programs may apply for credits against permit fees. The full amount of permit fees assessed against a public entity that has made application for credits shall not be due and payable until after the department made a determination on the application for credit. The department may establish a due date in accordance with WAC 173-223-050 for an amount equal to the fee assessment minus the requested credit. Any balance of fee charges remaining

after approval or denial of a credit shall be due thirty days after the department gives notice of such approval or denial. The department may approve applications for credits that meet the following criteria:

(1) Credit shall not be granted to a facility in excess of twenty-five percent of the permit fee assessed over the five-year period of a permit;

(2) The total amount of credits granted for the five-year period beginning July 1, 1988, shall not exceed fifty thousand dollars. The total amount of credits granted for any one year shall not exceed the balance of the fifty thousand dollar maximum divided by the number of years remaining before July 1, 1993. If more than one permittee applies for credits during the same year, the department shall consider the amount of the credits applied for and the benefits derived from the comprehensive monitoring programs in distributing the credits for that year among the applicants;

(3) Credit shall not be granted for monitoring required by the terms of the applicant's permit, nor for monitoring of effluent or the effects of effluent on the receiving water, sediment, or biota in the vicinity of the discharge, nor for monitoring that is within the scope of monitoring guidelines developed by the department for implementation through permits;

(4) In applying for an NPDES permit credit, the public entity must demonstrate that the applicant's comprehensive monitoring procedures benefits to the general public or to public agencies responsible for protection or management of the state's waters or aquatic resources. Such benefits must extend beyond the immediate jurisdiction or responsibility of the entity making application.

#### NEW SECTION

WAC 173-223-080 TRANSFER OF OWNERSHIP OR CONTROL. The department shall charge fees from the permit holder on record with the department. In the event that ownership or control of a permitted facility or activity is transferred, it shall not be the responsibility of the department to transfer funds between a new and previous permit holder, and the department shall not refund fee charges prospectively in the event of a transfer. Fees paid by a previous permit holder shall be deemed to satisfy the corresponding fee payment requirements of a new permit holder. Agreements between a new and previous permit holder are not binding on the department.

#### NEW SECTION

WAC 173-223-090 ADMINISTRATIVE APPEALS TO THE DIRECTOR. (1) Any person aggrieved by a determination made under this chapter by the department may file a written appeal to the director no later than the due date for payment of fees. Such appeal shall state the reasons that the aggrieved person believes that the department's determination is contrary to the requirements of RCW 90.48.600, 90.48.610, or 90.48.620, and specific actions that he/she is requesting that are consistent with those requirements. The director shall either issue a revised determination or a statement

upholding the original determination. A revised determination shall be consistent with the requirements of RCW 90.48.600, 90.48.610, and 90.48.620. If the director determines that there is a substantial public interest, he/she may hold a public hearing on the appeal prior to issuing a final determination.

(2) Small businesses required to pay permit fees under the industrial facility fee categories may receive a reduction of their permit fees.

(a) To qualify for the fee reduction, a business must:

(i) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(ii) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);

(iii) Have fifty or fewer employees; and

(iv) Have annual sales of five hundred thousand dollars or less of the goods or services produced using the wastewater-discharging process.

(b) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of (a) of this subsection have been met. The application shall bear a certification of correctness and be signed:

(i) In the case of a corporation, by a responsible corporate officer;

(ii) In the case of a partnership, by a general partner;

(iii) In the case of a sole proprietorship, by the proprietor.

(c) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements in its application, may deny requests for fee reductions and revoke previously granted fee reductions.

(d) The annual permit fee for small businesses determined to be eligible shall be reduced by fifty percent.

(e) If due to special economic circumstances the fee imposed by (d) of this subsection would impose an extreme hardship on a small business, the small business may so indicate in its application for fee reduction and request a further fee reduction. The small business must provide sufficient evidence to support its claim of extreme hardship. The factors which the department may consider in determining whether the applicant faces special economic circumstances and in setting the applicant's fee include: The applicant's annual sales, the size of its labor force, the conditions of the market which affect the applicant's ability to pass the cost of the permit fee through to its customers, and its average annual profits. In no case will the annual fee be reduced below one hundred fifty dollars.

(3) Holders of wastewater discharge permits for municipal/domestic facilities which are assigned to a fee category which imposes a fee greater than five dollars per residential equivalent per year are eligible for permit reductions.

(a) To receive a fee reduction, a permit holder must submit an application in a manner prescribed by the department certifying the number of residential equivalents that the facility serves.

(b) The application shall bear a certification of correctness and be signed:

(i) In the case of a corporation, by a responsible corporate officer;

(ii) In the case of a partnership, by a general partner;

(iii) In the case of a sole proprietorship, by the proprietor;

(iv) In the case of a municipal, state, or other public facility, by either a ranking elected official or a principal executive officer.

(c) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements in its application, may deny requests for fee reductions and revoke previously granted fee reductions.

(d) The annual permit fee for a municipal/domestic facility which has been determined to be eligible shall be five dollars times the number of residential equivalents that the facility serves.

#### NEW SECTION

WAC 173-223-100 DEPOSITS. The department shall deposit fee and interest payments in the water quality permit account in the state treasury. Additional charges assessed to recover the costs of collection under WAC 173-223-040 shall be disbursed to pay for those costs.

#### NEW SECTION

WAC 173-223-110 PAST DUE PAYMENTS. Any person who, by the effective date of this chapter, has not paid the fees and other amounts due under chapter 173-222 WAC shall continue to be obligated to pay such fees and amounts.

AMENDATORY SECTION (Amending Order 86-03, filed 3/4/86)

WAC 173-222-015 APPLICABILITY. This chapter applies to all permit applications received by the department after July 28, 1985. This chapter does not apply to permits issued after June 30, 1988.

AMENDATORY SECTION (Amending Order 86-03, filed 3/4/86)

WAC 173-220-150 OTHER TERMS AND CONDITIONS. (1) In addition to the requirements of WAC 173-220-130 and 173-220-140, each issued permit shall require that:

(a) All discharges authorized by the permit shall be consistent with the terms and conditions of the permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the department by submission of a new application or supplement thereto; or, if such discharge does not violate effluent limitations specified in the permit, by submission to the department of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and

authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

- (i) Violation of any term or condition of the permit;
- (ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
- (iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(iv) To incorporate an approved local pretreatment program into a POTW's permit; and

(v) Nonpayment of permit fees assessed pursuant to RCW ((90-48-460)) 90.48.610.

(c) The permittee shall allow the department or its authorized representative upon the presentation of credentials and at reasonable times:

(i) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit subject to any access restrictions due to the nature of the project;

(ii) To have access to and copy at reasonable cost any records required to be kept under terms and conditions of the permit;

(iii) To inspect any monitoring equipment or method required in the permit; or

(iv) To sample any discharge of pollutants.

(d) That, if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the department of the following:

(i) Any new introduction of pollutants into such treatment works from a source which would be a new source as defined in section 306 of the FWPCA if such source were discharging pollutants;

(ii) Except as to such categories and classes of point sources or discharges specified by the department, any new introduction of pollutants into such treatment works from a source which would be subject to section 301 of the FWPCA if such source were discharging pollutants;

(iii) Any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

Such notice shall include information on:

(I) The quality and quantity of effluent to be introduced into such treatment works; and

(II) Any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(e) The permittee shall at all times properly operate and maintain any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit. Where design criteria have been established, the permittee shall not permit flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(f) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is

present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the department shall revise or modify the permit in accordance with the toxic effluent standard of prohibition and so notify the permittee.

(2) Every permit shall be conditioned to insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308 of the FWPCA.

(3) Permits for domestic wastewater facilities shall be issued only to a public entity, except in the following circumstances:

(a) Facilities existing or approved for construction with private operation on or before the effective date of this chapter, until such time as the facility is expanded;

(b) Facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered single commercial establishments for the purpose of the preceding sentence.

(c) Facilities that are owned by nonpublic entities and under contract to a public entity shall be issued a joint permit to both the owner and the public entity.

#### AMENDATORY SECTION (Amending Order 86-03, filed 3/4/86)

WAC 173-216-130 MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS. (1) Any permit issued under this chapter can be modified, suspended, or revoked, in whole or in part by the department for the following causes:

(a) Violation of any permit term or condition;

(b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

(c) A material change in quantity or type of waste disposal;

(d) A material change in the condition of the waters of the state; or

(e) Nonpayment of permit fees assessed pursuant to RCW ((90-48-460)) 90.48.610.

(2) The department may modify a permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, which includes promulgation or revisions of categorical standards.

#### WSR 88-12-036

##### ADOPTED RULES

#### DEPARTMENT OF AGRICULTURE

[Order 1979—Filed May 27, 1988]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to use of slaughter tag, WAC 16-620-240; fees for identifying paper tags used by custom farm slaughterers or custom meat facilities, WAC 16-620-260; and repealing WAC 16-620-265.

This action is taken pursuant to Notice No. WSR 88-07-096 filed with the code reviser on March 23, 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 16.57.160 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 May 27, 1988.

By Michael V. Schwisow  
for C. Alan Pettibone  
Director

AMENDATORY SECTION (Amending Order 1590, filed 6/29/79)

WAC 16-620-240 SLAUGHTER TAG. Any person licensed as a custom farm slaughterer shall, in lieu of mandatory brand inspection, complete and attach an official department of agriculture paper slaughter tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. These tags must remain on the quarters until the quarters are cut and wrapped. The department will maintain a surveillance and enforcement program to assure compliance with these ~~((regulations))~~ regulations.

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.

AMENDATORY SECTION (Amending Order 1590, filed 6/29/79)

WAC 16-620-260 FEE. Only the department of agriculture will provide the identifying paper tags, referred to in WAC 16-620-240 and 16-620-250, to licensed custom farm slaughterers or custom ~~((cutting and wrapping))~~ meat facilities. The fee for each set of four paper tags ~~((will not exceed the actual cost to the department of producing and supplying the tags and enforcing these regulations. For the purposes of these regulations, the actual cost of producing and supplying the tags is twenty cents per set. The department will provide identifying paper tags, to licensed custom farm slaughterers or custom cutting and wrapping facilities, to identify slaughtered hogs at the actual cost of producing and supplying the tags, which is established at twenty cents per set.))~~ shall be one dollar and fifty cents.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-620-265 ACTUAL COSTS FOR ENFORCEMENT AND SURVEILLANCE ESTABLISHED.

#### WSR 88-12-037

#### NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES [Memorandum—May 11, 1988]

The board of trustees of the Seattle Community College District has changed the location of their regularly scheduled June 7, 1988, meeting from South Seattle Community College to the Duwamish Branch, 6700 East Marginal Way South, Seattle, WA 98108.

#### WSR 88-12-038

#### NOTICE OF PUBLIC MEETINGS DEPARTMENT OF TRANSPORTATION (Transportation Commission) [Memorandum—May 26, 1988]

The August 1988, regular meeting of the Washington State Transportation Commission has been changed from August 18, 1988, to August 25, 1988, beginning at 9:30 a.m., in Room 1D2, Transportation Building, Olympia, Washington.

#### WSR 88-12-039

#### NOTICE OF PUBLIC MEETINGS TRAFFIC SAFETY COMMISSION [Memorandum—May 23, 1988]

The Traffic Safety Commission's next meeting is scheduled for August 3, 1988, in the Governor's Conference Room beginning at 1:30 p.m.

#### WSR 88-12-040

#### ADOPTED RULES DEPARTMENT OF LICENSING [Order PM 732—Filed May 27, 1988]

I, Robert A. Van Schoorl, assistant director of the Department of Licensing, do promulgate and adopt at 1300 North Quince Street, Olympia, WA, the annexed rules relating to:

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.

This action is taken pursuant to Notice No. WSR 88-08-035 filed with the code reviser on April 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 18.50.040(3) and 18.50.115 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 May 20, 1988.

By Robert A. Van Schoorl  
Assistant Director

## 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 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 308-155-220 (4)(a). The preceptor shall submit, on approved forms, completed check-lists of skills and experiences when this requirement 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.

**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 88-12-041****PROPOSED RULES****DEPARTMENT OF LICENSING****(Board of Registration for Landscape Architects)**

[Filed May 27, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Landscape Architects intends to adopt, amend, or repeal rules concerning proctoring, amending WAC 308-13-025;

that the agency will at 9:00 a.m., Friday, July 8, 1988, in the Exam Center, Department of Licensing, 1300 Quince Street, Olympia, WA 98501, 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 18.96.060.

The specific statute these rules are intended to implement is RCW 18.96.070.

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

Dated: May 25, 1988

By: Sydney W. Beckett

Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: State of Washington Board of Registration for Landscape Architects.

Purpose/Summary of Rule: WAC 308-13-025 is amended to clarify the application and approval procedures for the proctoring program, the minimum duration of the program, and sets forth the requirements for completion of the program. The amendment establishes the requirement to pay a fee for participation in the proctoring program.

Statutory Authority: RCW 18.96.060 and 18.96.070.

Reason Proposed: To provide procedural guidance to applicants for registration through the proctoring program. The amendment establishes the duration of the program, and requirements for successful completion of the program. The amendment additionally sets forth the

manner in which a fee is to be assessed for participation in the program.

**Responsible Personnel:** Members of the board who have knowledge of and responsibility for drafting, implementing and enforcing these rules are the members of the board who include: Don Shimon, Keith Hellstrom, Gloria Joan Lawson, Marie Hewitt and Jeanne Batson. In addition to the above mentioned board members, the following personnel of the Department of Licensing have responsibility for implementing and enforcing these rules: Sydney Beckett, Executive Secretary of the Board, and James Hanson, Assistant Executive Secretary of the Board, P.O. Box 9012, Olympia, Washington 98504-8001, phone (206) 753-6967 and 234-6967 scan.

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

WAC 308-13-025 PROCTORING. Candidates for examination who have acquired two-thirds of their required practical training, but cannot achieve the balance of their required work experience ((with)) under the direct supervision of a landscape architect(s)), may appeal to the board to acquire the required experience through the proctoring ((process)) program.

Based on a review of the applicant's academic and work experience, the board may approve the applicant's selection of a landscape architect proctor who will review and critique the applicant's work for the balance of the practical experience required. The proctoring process must involve one or more face-to-face meetings per month with the proctor. The proctor will provide the board a written report for each proctoring session. Proctoring experience will be weighted at one hundred percent of actual experience working for a landscape architect.

The proctoring program must be approved by the board before credit may be accrued. No retroactive credit may be approved for proctoring reviews conducted prior to board approval. The proctoring program consists of a minimum of twelve months, and culminates with the board's acceptance of the proctor's report of program completion.

The application fee for the proctoring program shall be included in the application fee for examination as specified in the schedule of landscape architect fees.

**WSR 88-12-042**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Nursing)**  
[Filed May 27, 1988]

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

New	WAC 308-120-338	Application requirements for ARNP interim permit.
New	WAC 308-120-525	Approval of nursing education programs.
New	WAC 308-120-530	Denial, conditional approval or withdrawal of approval.
New	WAC 308-120-535	Reinstatement of approval.
New	WAC 308-120-540	Appeal of board decisions.
New	WAC 308-120-545	Closing of an approved nursing education program.
New	WAC 308-120-550	Purpose, philosophy, and objectives for approved nursing programs.
New	WAC 308-120-555	Organization and administration for approved nursing education programs.
New	WAC 308-120-560	Resources, facilities, and services for approved nursing education programs.

New	WAC 308-120-565	Students in approved nursing education programs.
New	WAC 308-120-570	Faculty in approved nursing education programs.
New	WAC 308-120-575	Curriculum for approved nursing education programs.
Amd	WAC 308-120-100	Definitions.
Amd	WAC 308-120-163	Licensing examination.
Amd	WAC 308-120-164	Release of results of examination.
Amd	WAC 308-120-170	Documents which indicate authorization to practice registered nursing.
Amd	WAC 308-120-180	Renewal of licenses.
Amd	WAC 308-120-185	Return to active status from temporary retirement.
Amd	WAC 308-120-360	Termination of ARNP designation by the board.
Amd	WAC 308-120-505	Philosophy governing approval of schools of nursing.
Amd	WAC 308-120-506	Purposes of board approval of schools of nursing.
Rep	WAC 308-120-507	Purpose, philosophy and objectives for approved schools of nursing.
Rep	WAC 308-120-508	Organization and administration for approved schools of nursing.
Rep	WAC 308-120-509	Resources, facilities and services for approved schools of nursing.
Rep	WAC 308-120-510	Nurse administrator for approved school of nursing.
Rep	WAC 308-120-511	Faculty for approved schools of nursing.
Rep	WAC 308-120-512	Curriculum for approved schools of nursing.
Rep	WAC 308-120-513	Students in approved schools of nursing.
Rep	WAC 308-120-514	Program evaluation by approved schools of nursing.
Rep	WAC 308-120-515	Reports to the board of nursing by approved schools of nursing.
Rep	WAC 308-120-516	Survey visits.
Rep	WAC 308-120-517	Board action following survey visits.
Rep	WAC 308-120-518	Restoration of approval.
Rep	WAC 308-120-519	Appeal of board decisions.
Rep	WAC 308-120-520	Consultation services.
Rep	WAC 308-120-521	Closure of an approved school of nursing.
Rep	WAC 308-120-522	Establishment of a new school of nursing;

that the agency will at 8:30 a.m., Wednesday, July 13, 1988, in the Executive Inn, Fife - Lido Room, 5700 Pacific Highway East, Fife, 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 18.88.080, [18.88].086, [18.88].110, [18.88].120, [18.88].130, [18.88].140, [18.88].160, [18.88].190, [18.88].200, [18.88].220, 18.130.050 and SHB 1404, chapter 211, Laws of 1988.

The specific statute these rules are intended to implement is RCW 18.88.080, [18.88].086, [18.88].110, [18.88].120, [18.88].130, [18.88].140, [18.88].160, [18.88].190, [18.88].200, [18.88].220, 18.130.050 and SHB 1404, chapter 211, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 30, 1988.

Dated: May 26, 1988  
By: Constance Roth, R.N., Ed.D.  
Executive Secretary  
Program Manager



## STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: See above.

Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].120, [18.88].130, [18.88].140, [18.88].160, [18.88].190, [18.88].200, [18.88].220, 18.130.050 and SHB 1404, chapter 211, Laws of 1988.

Specific Statute that Rule is Intended to Implement: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].120, [18.88].130, [18.88].140, [18.88].160, [18.88].190, [18.88].200, [18.88].220, 18.130.050 and SHB 1404, chapter 211, Laws of 1988.

Summary of the Rules and Reasons Supporting the Proposed Actions: WAC 308-120-100, to make housekeeping changes and delete unnecessary provisions; WAC 308-120-163, to state what the length of examinations will be and the necessary score being a passing one on a pass or fail basis; WAC 308-120-164, to delete an unnecessary provision; WAC 308-120-170, to distinguish between active and inactive licenses and to provide for an ARNP interim permit; WAC 308-120-180, to clarify renewal procedures, including the renewal fee, failure to renew within three years, and deleting the continuing education reference; WAC 308-120-185, to partially change the title of this rule and provide for return to active status from an inactive or lapsed status; WAC 308-120-338, to provide for the procedure to obtain an ARNP interim permit; WAC 308-120-360, to add a reference to RCW 18.130.180 in addition to RCW 18.88.230; WAC 308-120-505, to partially change the title of this rule; WAC 308-120-506, to partially change the title of this rule, make some housekeeping changes, and to add to the existing purposes; and WAC 308-120-525 to 308-120-575, to add to and restate in a more integrated and readable format, the subject matter in current rules proposed to be repealed, WAC 308-120-507 to 308-120-522.

In addition to members of the Board of Nursing, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing, and enforcing these rules: Constance Roth, R.N., Ed.D., Executive Secretary/Program Manager, Division of Professional Licensing, P.O. Box 9012, Olympia, WA 98504, (206) 753-2686 comm, 234-2686 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Nursing.

Agency Comments or Recommendations: None.

These rules are 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 Rules of Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact more than 20 percent of all industries, or more than 10 percent of any one industry as that term is defined by RCW 19.85.020(3).

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-100 DEFINITIONS. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "~~(Initial)~~ Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(8) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(9) "Nursing student" is a person currently enrolled in an approved school of nursing.

(10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing.

(a) "Direction and supervision" - the nursing aide may function only under the "direction and supervision" of the licensed registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he shall not perform duties or functions beyond her/his educational nursing preparation, as determined by the school in which she/he is enrolled. Supervision and direction shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities - employer(~~, school of nursing,~~) and nursing aide:"

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) (~~School of nursing. It is the responsibility of the school of nursing to furnish the prospective employer of the nursing aide with written evidence of the student's educational preparation. Evidence of the student's educational preparation should include types of patients for whom she/he is prepared to care, specific procedures which she/he can perform, and additional nursing functions which she/he is prepared to do:~~

(iii)) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC (~~308-120-210~~) 308-120-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88.280" - the terms "direction and supervision," "auxiliary services," and "minor nursing services" are defined as follows:

(a) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what



level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation.

**AMENDATORY SECTION** (Amending Order PL 410, filed 11/3/82)

WAC 308-120-163 LICENSING EXAMINATION. (1) The current series of the National Council of the State Board of Nursing Registered Nurse Examination (NCLEX) shall be the official examination for registered nurse license.

(2) The NCLEX will consist of four ~~((two-hour))~~ ninety minute tests with ~~((a minimum passing standard score of 1600 for the total examination))~~ the overall score for the examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in February and July.

(4) The executive secretary of the board shall negotiate with The National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract.

**AMENDATORY SECTION** (Amending Order PL 410, filed 11/3/82)

WAC 308-120-164 RELEASE OF RESULTS OF EXAMINATION. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each school of nursing in Washington shall receive a statistical report of the examination results of candidates from that school.

(5) ~~((Scores of the examination will not be released to anyone except as provided above unless release is authorized by the candidate in writing.))~~

~~((6))~~ The candidate's examination results will be maintained in his/her application file in the division of professional licensing, department of licensing.

**AMENDATORY SECTION** (Amending Order PL 569, filed 11/26/85)

WAC 308-120-170 DOCUMENTS WHICH INDICATE AUTHORIZATION TO PRACTICE REGISTERED NURSING IN WASHINGTON. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure - confers the right to use the title registered nurse and the use of its abbreviation, R.N. and to practice as a registered nurse in the state of Washington.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires to retire temporarily from the practice of nursing in this state.

(3) Interim permit. An interim permit may be issued to a graduate from an approved nursing school who has met all qualifications, has filed an application for examination and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued, when the candidate receives first notice of failure, or within one year from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse." The title "interim permit nurse" or "graduate nurse" may be used.

~~((3))~~ (4) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 308-120-185).

~~((4))~~ (5) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP." This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

~~((5))~~ (6) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(7) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This authorizes the ARNP to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

**AMENDATORY SECTION** (Amending Order PL 449, filed 12/2/83)

WAC 308-120-180 RENEWAL OF LICENSES. (1) The license renewal date shall coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their ~~((next))~~ birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees may renew their licenses, at the ~~((annual))~~ current renewal fee rate ~~((, for one year, from birth anniversary date to next birth anniversary date.))~~.

(3) The late payment penalty provision will be applied as follows:  
~~((4))~~ Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-120-185.

~~((4))~~ Effective January 1, 1985, individuals making application for license renewal must submit, in addition to the required fee, evidence to show compliance with the continuing education requirements of WAC 308-120-600 through 308-120-608.)

**AMENDATORY SECTION** (Amending Order PL 370, filed 1/27/81)

WAC 308-120-185 RETURN TO ACTIVE STATUS FROM ~~((TEMPORARY RETIREMENT))~~ INACTIVE OR LAPSED

STATUS. After January 1, 1974, persons on ~~((nonpracticing))~~ inactive status for three years or more and after August 1, 1988, persons on lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. ~~((Nonpracticing means the individual has been on the inactive list for a period of three years or more and does not hold a current license to practice in Washington or in any other United States jurisdiction.))~~

#### NEW SECTION

WAC 308-120-338 APPLICATION REQUIREMENTS FOR ARNP INTERIM PERMIT. A registered nurse who has completed advanced formal education and registered for a board approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination.

(1) An applicant for ARNP interim permit shall:

(a) Submit a completed application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-275; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled shall immediately return the permit to the department of licensing.

(4) The interim permit authorizes the holder to perform function of advanced and specialized nursing practice as described in this section.

#### AMENDATORY SECTION (Amending Order PL 339, filed 3/27/80)

WAC 308-120-505 PHILOSOPHY GOVERNING APPROVAL OF ~~((SCHOOLS OF))~~ NURSING EDUCATION PROGRAMS. While the board herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered nurses to meet current and future nursing needs of the public. The board believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose and objectives.

The board further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self-evaluation which may lead to program development and improvement.

#### AMENDATORY SECTION (Amending Order PL 339, filed 3/27/80)

WAC 308-120-506 PURPOSES OF BOARD APPROVAL OF ~~((SCHOOLS OF))~~ NURSING EDUCATION PROGRAMS. The board approves ~~((schools of))~~ nursing education programs for the following purposes:

(1) To ~~((insure))~~ assure preparation for the safe practice of nursing by setting minimum standards for ~~((schools of))~~ nursing education programs preparing persons for licensure as registered nurses~~((;))~~;

(2) ~~((To provide the public and prospective students with a list of schools of nursing that meet the minimum standards;))~~

~~((3))~~ To provide guidance for the development of new nursing education programs;

(3) To foster continued improvement of established nursing education programs;

(4) To provide criteria for the board to evaluate new or established nursing education programs;

(5) To ~~((safeguard the))~~ assure the student adequate educational preparation ~~((of the students;))~~;

~~((4))~~ (6) To assure ~~((the graduates of approved schools of their))~~ eligibility for admission to the licensing examination for registered nurses, and

~~((5))~~ to facilitate interstate endorsement of graduates ~~((from))~~ of board approved schools of nursing.

#### NEW SECTION

WAC 308-120-525 APPROVAL OF NURSING EDUCATION PROGRAMS. (1) Application for program development.

(a) An educational institution wishing to establish a program in nursing shall:

(i) Submit to the board at least eighteen months in advance of expected opening date a statement of intent to establish a nursing education program.

(ii) Submit to the board, along with the statement of intent, a feasibility study to include at least the following information:

(A) Nursing studies documenting the need for the program in this state.

(B) Purposes and classification of the program.

(C) Availability of qualified faculty.

(D) Budgeted faculty positions.

(E) Availability of adequate clinical facilities for the program.

(F) Availability of adequate academic facilities for the program.

(G) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.

(H) Anticipated student population.

(I) Tentative time schedule for planning and initiating the program.

(iii) Respond to the board's request(s) for additional information.

(b) The board shall either grant or withhold approval for program development.

(2) Program development.

(a) At least twelve months in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a proposed nursing education program. The proposed program plan shall include:

(i) Purpose, philosophy, and objectives.

(ii) Organization and administration.

(iii) Budget.

(iv) Resources, facilities, and services.

(v) Provisions for faculty, including qualifications, responsibilities, organization, and faculty/student ratio.

(vi) Curriculum, including course descriptions and course outlines.

(vii) Policies and procedures for student selection, admission, progression, withdrawal and graduation, and record system.

(viii) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the board a written report of the proposed program plan at least five weeks prior to a scheduled board meeting at which time the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) The nurse administrator of the program and other administrative officers of the organization shall attend the board meeting to present the formal application and clarify and amplify materials included in the written report of the proposed program plan.

(d) The board shall either grant or withhold provisional approval of the proposed nursing program.

(3) Provisional approval.

(a) The school shall submit course outlines to the board for review and approval at least three months prior to offering the course; and

(b) The school shall submit progress reports as requested by the board;

(c) Survey visits shall be scheduled as deemed necessary by the board during the period of provisional approval.

(4) Full approval.

(a) Within six months following graduation of the first class, a self-evaluation report of compliance with the standards for nursing education shall as identified in WAC 308-120-550 through 308-120-575 be submitted and a survey visit shall be made for consideration of full approval of the program.

(b) The board will review the self-evaluation report, survey reports and added materials for full approval of the nursing education program only at scheduled board meetings.

(c) The self-evaluation report, added materials and survey reports shall be in the board office at least five weeks prior to the board meeting.

(5) Satellite nursing education programs. An approved nursing education program wishing to initiate an off-campus, extended or satellite nursing program must submit a plan to the board demonstrating that:

(a) Faculty on-site meet all the requirements and qualifications of the parent nursing education program.

(b) Adequate clinical facilities are available and meet the requirements of the parent program.

(c) Academic facilities and resources are comparable to those of the parent program.

(6) Periodic evaluation of approved programs.

(a) To ensure continuing compliance with the plan and standards of nursing education all nursing education programs will be surveyed and reevaluated for continued approval every eight years. More frequent visits may occur as deemed necessary by the board or at the request of the nursing education program.

(i) The survey visit will be made by representative(s) of the board on dates mutually agreeable to the board and the nursing education program.

(ii) Announcement of a survey visit will be sent to programs at least eighteen months in advance of the visit.

(iii) Prior to the survey a program shall submit a self-evaluation report which provides evidence of compliance with the standards of nursing education as identified in WAC 308-120-550 through 308-120-575.

(iv) The self-evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the board's survey report for that year if a national accreditation survey is scheduled for that year. Where appropriate the survey will be made in conjunction with a national accreditation visit.

(v) A draft of the survey visit report will be made available to the school for review and corrections in statistical data and for response to issues raised.

(vi) Following the board's review and decision, written notification regarding approval of the program and the board comments and recommendations will be sent to the administrator of the nursing education program.

(b) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the board for approval at least three months prior to implementation.

#### NEW SECTION

WAC 308-120-530 DENIAL, CONDITIONAL APPROVAL OR WITHDRAWAL OF APPROVAL. (1) The board may deny approval to new programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such board actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the board.

(2) Conditional approval shall be granted a nursing education program that has failed to meet the minimum standards contained in the law and the rules and regulations of the board.

(a) Conditions that must be met within a designated time period shall be specified in writing.

(b) A conditionally approved program shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

(i) Restoration of full approval;

(ii) Continuation of conditional approval for a specified period of time; or

(iii) Withdrawal of approval.

(3) The board may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the board.

#### NEW SECTION

WAC 308-120-535 REINSTATEMENT OF APPROVAL. The board may consider reinstatement of withdrawn approval of a nursing education program upon submission of satisfactory evidence that the program meets the standards of nursing education, WAC 308-120-550 through 308-120-575.

#### NEW SECTION

WAC 308-120-540 APPEAL OF BOARD DECISIONS. A nursing education program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.04 RCW.

#### NEW SECTION

WAC 308-120-545 CLOSING OF AN APPROVED NURSING EDUCATION PROGRAM. (1) Voluntary closing. When a governing institution decides to close a program it shall notify the board in writing, stating the reason, plan, and date of intended closing. The governing institution may choose one of the following closing procedures:

(a) The program shall continue until the last class enrolled is graduated.

(i) The program shall continue to meet the standards for approval WAC 308-120-550 through 308-120-575 until all of the enrolled students have graduated.

(ii) The date of closure is the date on the degree, diploma, or certificate of the last graduate.

(iii) The board shall be notified by the governing institution of the closing date.

(b) The program shall close after assisting in the transfer of students to other approved programs.

(i) The program shall continue to meet the standard required for approval, WAC 308-120-550 through 308-120-575 until all students are transferred.

(ii) A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(iii) The date on which the last student was transferred shall be the closing date of the program.

(c) Custody of records.

(i) If the program closes but the governing institution continues to function, it shall assume responsibility for the records of the students and graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

(2) Closing as a result of withdrawal of approval. When the board withdraws approval of a nursing education program, the governing institution shall comply with the following procedures:

(a) Students of the program shall be notified in writing of their status and options for transfer to an approved program.

(b) The program shall close after assisting in the transfer of students to other approved programs. A time frame for the transfer process will be established by the board.

(c) A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(d) Custody of records.

(i) If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

#### NEW SECTION

WAC 308-120-550 PURPOSE, PHILOSOPHY, AND OBJECTIVES FOR APPROVED NURSING EDUCATION PROGRAMS. (1) The purpose, philosophy, and objectives of the program shall be stated clearly and shall be available in written form. They shall be consistent with the definition of nursing practice as outlined in RCW 18.88.030.

(2) The nursing education program shall have a statement of philosophy that is consistent with the philosophy of the governing institution.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective, and psychomotor capabilities of the graduate.

#### NEW SECTION

##### WAC 308-120-555 ORGANIZATION AND ADMINISTRATION FOR APPROVED NURSING EDUCATION PROGRAMS.

(1) The nursing education program shall be an integral part of the accredited governing institution. The governing institution accreditation must be by an approved accrediting body.

(2) The relationship of the nursing education program to other units within the governing institution shall be clearly delineated.

(3) The nursing education program shall be organized with clearly defined authority, responsibility, and channels of communication.

(4) The nursing education faculty shall be involved in determining academic policies and procedures of the nursing program.

(5) The nursing education program shall allow student participation in committees in the determination of program policies and procedures, curriculum planning and evaluation.

(6) The nursing education program shall be administered by a registered nurse currently licensed in this state with the following qualifications:

(a) In a program offering the associate degree, a minimum of a masters with a major in nursing, preparation in education and administration, and at least five years of professional experience as a registered nurse including two years of experience in nursing education.

(b) In a program offering the baccalaureate degree in nursing, a masters degree with a major in nursing, a doctoral degree in nursing and/or a related field, preparation in education and administration, and at least five years of experience as a registered nurse including two years of experience in nursing education.

(7) The administrator of the nursing education program shall be responsible for creation and maintenance of an environment conducive to teaching and learning through:

(a) Facilitation of the development, implementation and evaluation of the curriculum.

(b) Liaison with central administration and other units of the governing institution.

(c) Facilitation of faculty development and performance review consistent with the policies of institution.

(d) Facilitation of faculty recruitment and appointment.

(e) Recommendation of faculty for appointment, promotion, tenure, and retention consistent with the policies of the institution.

(f) Facilitation of the development of long-range goals and objectives for the nursing program.

(g) Facilitation of recruitment, selection, and advisement of students.

(h) Assurance that the rules and regulations of the state board of nursing are effectively implemented.

(i) Notifying the board of any major changes in the program or its administration.

(8) The administrator of the nursing education program shall have designated time provided to conduct relevant administrative duties and responsibilities.

#### NEW SECTION

##### WAC 308-120-560 RESOURCES, FACILITIES, AND SERVICES FOR APPROVED NURSING EDUCATION PROGRAMS.

(1) Classrooms, laboratories, and conference rooms shall be available and shall be adequate in size, number, and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number, and type to provide faculty with opportunity for uninterrupted work and privacy for the conferences with students. Adequate space shall be provided for clerical staff, records, files, and other equipment.

(3) Clinical facilities.

(a) A variety of sites shall be utilized for learning experiences. These may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and extended care resources.

(b) Clinical facilities shall be selected to provide learning experience of sufficient number and kind for student achievement of the course/curriculum objectives.

(c) Clinical facilities shall be approved by the appropriate accreditation or licensing evaluation bodies, if such exist.

(4) Library facilities shall be provided for use by the faculty and students. Physical facilities, hours, and scope and currency of learning resources shall be appropriate for the purpose of the program and for the number of faculty and students.

(5) Periodic evaluations of resources, facilities, and services shall be conducted by the administration, faculty, and/or students.

(6) Adequate financial support for faculty, support personnel, equipment, supplies, and services shall be demonstrated.

#### NEW SECTION

##### WAC 308-120-565 STUDENTS IN APPROVED NURSING EDUCATION PROGRAMS.

(1) Policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal shall be consistent with the policies of the governing institution, and shall be available in written form. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(2) Students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards required of those regularly enrolled.

(3) A system of student records shall be maintained.

(4) A statement of student rights and responsibilities shall be available in written form.

#### NEW SECTION

##### WAC 308-120-570 FACULTY IN APPROVED NURSING EDUCATION PROGRAMS.

(1) There shall be a sufficient number of qualified faculty with adequate diversity of expertise in nursing to meet the purposes and objectives of the nursing education program.

(2) The maximum ratio of faculty to students in clinical areas involving direct care of patients or clients shall be one faculty member to twelve students. A lower ratio may be required by the board of nursing for students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(a) The preparation and expertise of the faculty member;

(b) The objectives to be achieved;

(c) The level of students;

(d) The number, type, and conditions of patients;

(e) The number, type, location, and physical layout of clinical facilities being used for a particular course(s).

(3) Nursing faculty, including those in career ladder programs, shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A masters degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment.

(i) Exceptions allowed without prior board approval:

(A) Current tenured faculty.

(B) Ongoing reappointment of faculty.

(C) Temporary faculty replacement for less than one academic term.

(ii) Exceptions allowed with prior board approval:

(A) Temporary short-term faculty appointment of one academic term or more.

(B) Faculty specializing in a highly selected clinical area such as operating room.

(c) Clinical experience as a registered nurse relevant to area(s) of responsibility.

(4) Nonnurse faculty must have academic and professional education and experience in their field of specialization.

(5) Faculty shall be responsible for:

(a) Developing, implementing, and evaluating the purpose, philosophy, and objectives of the nursing education program.

(b) Designing, implementing, and evaluating the curriculum.

(c) Developing and evaluating student admission, progression, retention, and graduation policies within the framework of the policies of the governing institution.

(d) Participating in or providing for academic advising and guidance of students.

(e) Evaluating student achievement, in terms of curricular objectives as related to both nursing knowledge and practice.

(f) Selecting, guiding, and evaluating student learning.

(g) Participating in activities to improve their own nursing competency in area(s) of responsibility.

#### NEW SECTION

WAC 308-120-575 CURRICULUM FOR APPROVED NURSING EDUCATION PROGRAMS. (1) The basic curriculum shall not be less than two academic years.

(2) The length, organization, content, methods of instruction, and placement of courses shall be consistent with the philosophy of the program.

(3) The curriculum shall include:

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined, or presented as separate courses.

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology and anthropology, which may be integrated, combined, or presented as separate courses.

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing, which may be integrated, combined, or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing.

(d) History, trends, and legal and ethical issues pertaining to the nursing profession, which may be integrated, combined, or presented as separate courses. Baccalaureate programs shall include study of research principles.

(e) Opportunities for the student to learn assessment of needs, planning, implementation, and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership.

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and have direct involvement in, responsibility and accountability for nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy, and objectives of the program.

(g) Opportunities for the student to participate in multidisciplinary health care.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-120-507 PURPOSE, PHILOSOPHY AND OBJECTIVES FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-508 ORGANIZATION AND ADMINISTRATION FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-509 RESOURCES, FACILITIES AND SERVICES FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-510 NURSE ADMINISTRATOR FOR APPROVED SCHOOL OF NURSING.

WAC 308-120-511 FACULTY FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-512 CURRICULUM FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-513 STUDENTS IN APPROVED SCHOOLS OF NURSING.

WAC 308-120-514 PROGRAM EVALUATION BY APPROVED SCHOOLS OF NURSING.

WAC 308-120-515 REPORTS TO THE BOARD OF NURSING BY APPROVED SCHOOLS OF NURSING.

WAC 308-120-516 SURVEY VISITS.

WAC 308-120-517 BOARD ACTION FOLLOWING SURVEY VISITS.

WAC 308-120-518 RESTORATION OF APPROVAL.

WAC 308-120-519 APPEAL OF BOARD DECISIONS.

WAC 308-120-520 CONSULTATION SERVICES.

WAC 308-120-521 CLOSURE OF AN APPROVED SCHOOL OF NURSING.

WAC 308-120-522 ESTABLISHMENT OF A NEW SCHOOL OF NURSING.

AMENDATORY SECTION (Amending Order PL 569, filed 11/26/85)

WAC 308-120-360 TERMINATION OF ARNP DESIGNATION BY THE BOARD. ARNP designation may be terminated by the board when the ARNP has:

(1) Practiced outside the scope of practice denoted for the area of certification, or

(2) Been found in violation of any provision of RCW 18.88.230 or 18.130.180.

#### WSR 88-12-043

#### ADOPTED RULES

#### DEPARTMENT OF LICENSING

[Order TL/RG 41—Filed May 27, 1988]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personalized license plates, amending WAC 308-96A-065.

This action is taken pursuant to Notice No. WSR 88-07-116 filed with the code reviser on March 23, 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 director of the Department of Licensing as authorized in RCW 46.16.276 and 46.16.600.

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 May 23, 1988.

By Theresa Anna Aragon  
Director

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-065 PERSONALIZED LICENSE PLATES. (1) The registered owner of a vehicle may apply for personalized license plates with any acceptable and unassigned combination of one to seven letters, numbers, or combination of both pursuant to RCW 46.16.565 through 46.16.600. Single digit plates shall not be assigned the letters "I" or "O", nor the numbers "1" (one) or "0" (zero).

(2) When a vehicle with personalized plates is sold, transferred or destroyed, the owner shall remove the plates from the vehicle. The owner may retain the plates for transfer to a replacement vehicle or return the plates to the department, relinquishing the right to the letter and/or number sequence or combination, or relinquish the plates to another individual by signing a notarized release of interest in the plates. The person to whom the plates were transferred must (~~immediately apply for ownership of~~) within fifteen days make application to have the plates ((in his/her/their own name(s))) transferred to a vehicle registered to the person.

(3) When the owner of a personalized plate fails to renew the license within ~~((ninety))~~ forty-five days following the renewal due date or fails to have the plate transferred to a replacement vehicle within ~~((ninety))~~ thirty days from the sale, transfer, or destruction of the original vehicle, the plates will be cancelled.

(4) ~~Cancelled personalized plates ((that have been cancelled will not))~~ may be reissued ((for ninety days)) anytime after cancellation ((unless they are being repurchased by the same owner)) if the department determines a renewal application was not applied for prior to the cancellation.

(5) The combination of letters and/or digits on a personalized license plate which has been cancelled may be reassigned to an applicant who applies for an original personalized plate with that combination of letters and/or digits and pays the fees for an original personalized plate.

#### WSR 88-12-044

##### ADOPTED RULES

#### BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Order PM 738—Filed May 27, 1988]

Be it resolved by the Board of Registration for Professional Engineers and Land Surveyors, acting at Seattle, Washington, that it does adopt the annexed rules relating to new section WAC 196-04-025 and amending WAC 196-04-030, 196-12-010, 196-12-085, 196-16-007 and 196-20-010.

This action is taken pursuant to Notice No. WSR 88-07-094 filed with the code reviser on March 22, 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 18.43.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 27, 1988.

By Alan Rathbun, PE  
Registrar

#### NEW SECTION

WAC 196-04-025 BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS—POWERS AND DUTIES. Pursuant to RCW 18.43.035, the board of registration for professional engineers and land surveyors shall have the following powers and duties incidental to its regulation of professional engineers, engineers-in-training, and professional land surveyors. Such powers shall include, but not be necessarily limited to, the following:

(1) The board shall have the exclusive power to hire its registrar, subject to the provisions of chapter 41.06 RCW. The board shall also have the exclusive power to review the performance of its registrar, subject to the provisions of chapter 41.06 RCW, on a regular basis, but in any event at least once every twelve months.

(2) The board or its registrar shall hire, subject to the provisions of chapter 41.06 RCW, such other employees as may be necessary to carry out its responsibilities under the law.

(3) The board and its registrar shall prepare its operating budget in a manner consistent with state law and any applicable rules, procedures, and guidelines from the office of financial management. Consistent with rules, policies, and/or guidelines of the office of financial management, the board shall also oversee the spending of budgeted funds for budgeted board tasks.

(4) The board shall determine the physical location of its files, papers, records, and other equipment used by the board to implement its responsibilities under chapter 18.43 RCW.

(5) The board shall determine the appropriate form and content of all forms and correspondence used by the board, pursuant to its duties under chapter 18.43 RCW.

(6) The board shall be responsible for all aspects of any examination which the board is required or authorized to administer under chapter 18.43 RCW.

(7) The board may designate an official mailing address for official correspondence directed to the board, its registrar, or any other board employee.

(8) The board may contract with the department of licensing for any services required to be provided by the board under chapter 18.43 RCW.

#### AMENDATORY SECTION (Amending Order PL 512, filed 1/31/85)

WAC 196-04-030 CHIEF EXECUTIVE OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS—DUTIES, QUALIFICATIONS. (1) The chief executive of the staff of the board of registration for professional engineers and land surveyors, ~~((hereinafter))~~ referred to in this chapter as the "registrar," shall have the following duties:

(a) Setting policy ((for the daily)), supervising and directing all work related activities of board employees including but not limited to clerical work of receiving and processing applications, complaints, investigations and general correspondence;

(b) Reviewing the performance of all board employees, who shall be under the direction and control of the registrar. Such review shall be in accordance with the provisions of chapter 41.06 RCW, and any rules adopted thereto, and shall be performed on a regular basis, but at least once every year;

(c) Overseeing the examination and grading process, including personnel and site selection;

~~((c))~~ (d) Directing investigations of violations or alleged violations of all laws applicable to the practice of professional engineering and land surveying;

~~((d))~~ (e) Directing the preparation of the board's budget and the monitoring of expenditures;

~~((e))~~ (f) Scheduling, preparation and minute-keeping of board meetings;

~~((f))~~ (g) Maintaining liaison with other state board of engineering examiners in order to be conversant with the laws, policies and procedures of other states, so as to facilitate reciprocity provisions of chapter 18.43 RCW;

~~((g))~~ (h) Performing other duties, as may from time to time be required; ~~(and~~

~~(h))~~ (i) Making the initial review of all applications, renewals, and other general correspondence received by the board; and

(j) Performing duties requested by the board.

(2) The registrar of the state board of registration for professional engineers and land surveyors shall possess the following minimum qualifications:

(a) Said registrar shall hold a valid registration, issued pursuant to chapter 18.43 RCW, as a professional engineer in the state of Washington.

(b) Said registrar shall possess at least three years of supervisory experience satisfactory to the board.

(3) Said registrar shall report solely and directly to the board; and all board employees shall report solely to the registrar of the board.

#### AMENDATORY SECTION (Amending Order PM 606, filed 6/4/87)

WAC 196-12-010 APPLICATIONS. All applications shall be sent to the registrar of the board, at the board's official address, on forms provided by the board. The deadline for receipt of applications properly filled out and accompanied by the application fee is four months before the date of the examination. Verification of the applicant's claimed experience must be in the board office three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Lack of verification of experience will also cause the application to be held for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the next examination which they intend to take.

#### AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-12-085 CORPORATION OR JOINT STOCK ASSOCIATIONS. Corporations or joint stock associations shall file with the registrar at the board's official address:

(1) A letter of application containing a brief statement of the corporation's origin, activities, and principals. Said letter should also state the type, or types, of engineering practiced, or to be practiced by such corporation. Type or types are limited to the branches currently being issued by the board. Application shall be signed and attested by a corporate officer.

(2) The application for certificate of authorization shall state the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and state the experience of the corporation,

if any, in the furnishing of all feasibility and advisory studies made within the state of Washington.

(3) A certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: PROVIDED, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract. The designated engineer responsible for the practice of engineering by said corporation shall be a full-time employee of the corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be the designated engineer at more than one place of business or one company at any one time.

(4) A designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. The engineers in charge of major branch or project shall be full-time employees of the corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be an engineer in charge of branch or project at more than one place of business or company at any one time. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes.

(5) A certified copy of the section of the bylaws of the corporation containing provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the designated engineer in responsible charge named in the resolution of the board of directors.

(6) A current certified financial statement accurately reflecting the financial condition of the corporation. Certification shall be by an officer of the corporation or a public accountant.

(7) The professional records of the designated person or persons under subsection (3) ((above)) of this section who shall be in responsible charge of all the engineering activities of the corporation.

(8) A copy of the articles of incorporation as filed with the secretary of state for the state of Washington and bearing his acceptance stamp.

(9) A copy of the corporation bylaws and any revisions to the bylaws, that may affect the ability of the designated engineer to make all engineering decisions as set forth in subsection (5) ((above)) of this section.

(10) In the case of change or increase in the engineers named as being in responsible charge (subsection (3)



((above)) of this section), a certified copy of a resolution of the board of directors of the corporation which shall designate said person or persons shall be filed with the board within thirty days after the effective date of such changes. The professional history of newly named engineers will also be required.

(11) Application fee as determined by the director of the department of licensing.

**AMENDATORY SECTION** (Amending Order PM 606, filed 6/4/87)

**WAC 196-16-007 APPLICATIONS.** All applications must be filed with the registrar at the board's official address. The deadline for receipt of a properly completed application accompanied by the required application fee is four months prior to the date of the examination. Response from applicant's references must be in hand three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Late responses from references will also cause the application to be held for consideration for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the examination which they intend to take. A new application is not required where an applicant has taken the previous examination and failed or has filed and failed to appear for the previous examination. However, a new complete application is required every five years after approval by the board until registration in Washington state is obtained.

**AMENDATORY SECTION** (Amending Order PL 454, filed 1/25/84)

**WAC 196-20-010 APPLICATIONS.** All applications must be filed with the registrar at the board's official address. The deadline for properly completed applications accompanied by the statutory fee is four months prior to the date of the examination. Applications received after the deadline will be held for consideration for a later examination.

Official transcripts of college record, if not attached to the application, shall be forwarded to the board office as soon as they are available.

**WSR 88-12-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 88-29—Filed May 27, 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 the harvestable surplus currently available is being taken by the troll fleet, and no sport catch will be authorized until the size of the troll catch is determined. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council.

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 May 27, 1988.

By Joseph R. Blum  
Director

**NEW SECTION**

**WAC 220-56-19000X SALTWATER SEASONS AND BAG LIMITS.** *Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River, the Pacific Ocean, or waters at the mouth of the Columbia River west of a line drawn true north-south through Buoy 10.*

**WSR 88-12-046**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 88-27—Filed May 27, 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 harvestable numbers of chinook salmon are available in the Wenatchee, Klickitat and Chehalis rivers to allow for additional recreational opportunity.

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 May 25, 1988.

By Judith Merchant  
for Joseph R. Blum  
Director

#### NEW SECTION

WAC 220-57-14000G CHEHALIS RIVER. Notwithstanding the provisions of WAC 220-57-140, effective May 28 through July 4, 1988, Bag Limit A except that only one adult salmon may be retained, in those waters downstream from the Porter Bridge to the State Highway 107 Bridge at Montesano.

#### NEW SECTION

WAC 220-57-31500I KLICKITAT RIVER. Notwithstanding the provisions of WAC 220-57-315:

(1) Effective immediately 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 confluence of the Little Klickitat River to a point 400 feet above the No. 5 Fishway except Bag Limit A, May 28 through May 31, 1988, and only one adult salmon may be retained or possessed in the daily bag limit.

(2) Effective immediately 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, May 28 through May 31, 1988, and only one adult salmon may be retained or possessed in the daily bag limit.

#### NEW SECTION

WAC 220-57-49700C WENATCHEE RIVER. Notwithstanding the provisions of WAC 220-57-497, effective May 28 through June 27, Bag Limit A on Saturdays, Sundays, and Mondays only, and open to fishing only from the Highway 2 Bridge at Leavenworth upstream to the mouth of the Icicle River.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31500H KLICKITAT RIVER. (88-13)

**WSR 88-12-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 88-25—Filed May 27, 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 measures are necessary for protection of Hood Canal origin coho 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 May 17, 1988.

By Joseph R. Blum  
Director

#### NEW SECTION

WAC 220-56-18000X BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective immediately until further notice the following provisions apply to Code H:

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

(2) Through June 15 in Catch Record Card Areas 5, 6, 7, 8, 9, 10, 11, and 13, and in those waters of Area 12 northeast of a line from Quatsop Point to Hood Point it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(3) In waters having this code definition the daily bag limit is three salmon, except:

(a) In contiguous waters east of the mouth of the Sekiu River the three fish daily bag limit may contain no more than two chinook salmon, except in waters of Area 12 the daily bag limit may contain three salmon of any species, unless otherwise provided.

(b) Effective July 1 through September 30 in Catch Record Card Areas 5, 6, and that portion of Area 9 north and east of a line from Foulweather Bluff to Olele Point the daily bag limit is two salmon, and it is unlawful to fish for or possess salmon taken for personal use on Friday of each week.

(c) Effective July 1 through September 5 in that portion of Area 9 south and west of a line from Foulweather Bluff to Olele Point, and all waters of Area 12 except waters of Dabob and Quilcene Bays north of a line projected due east from Pulali Point, the daily bag limit is two salmon except that all coho salmon must be released immediately, and it is unlawful to fish for or possess salmon taken for personal use on Friday of each week. Waters of Dabob and Quilcene Bays north of a line projected true east from Pulali Point are closed to salmon angling through August 15. After August 15 Dabob and Quilcene Bays north of the Pulali Point line are open to salmon fishing seven days per week.

(d) Effective September 6 through October 31 in that portion of Area 9 south and west of a line from Foulweather Bluff to Olele Point, and waters of Area 12 north and east of a line from the flashing light at the

*southwest tip of the Tonados Peninsula to Misery Point the daily limit is two salmon except that all coho salmon must be released immediately and it is unlawful to fish for or possess salmon taken for personal use on Friday of each week. Dabob and Quilcene Bays north of the Pulali Point line are open at all times. Waters of Area 12 south and west of the Toandos Peninsula-Misery Point line and south of the Pulali Point line are closed to salmon angling.*

**Reviser's note:** The spelling 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.

**WSR 88-12-048**

**ADOPTED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Order 87-30—Filed May 31, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to administration of retrospective rating plans and group insurance plans, chapter 296-17 WAC. The rules eliminate requirement that no group with less than one hundred participating members will be formed unless the aggregate premium of those members is expected to exceed \$150,000 during the coverage period; amends retrospective premium adjustments to three mandatory annual adjustments with an optional fourth and fifth; amends retrospective premium adjustments so that those of less than five dollars will be disregarded and not considered due or payable.

This action is taken pursuant to Notice No. WSR 87-24-072 filed with the code reviser on December 2, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020(1) and 51.16.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 31, 1988.

By Joseph A. Dear

**AMENDATORY SECTION** (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-910 QUALIFICATIONS FOR EMPLOYER GROUPS FOR WORKERS' COMPENSATION INSURANCE. The department may insure the workers' compensation obligations of employers as a group, provided the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years.

(2) The organization was formed for a purpose other than that of obtaining workers' compensation coverage.

(3) The business of the employers in the organization is substantially similar, taking into consideration the nature of the work being performed by workers of such employers such that the group comprises substantially homogeneous risks.

(4) The employers in the group constitute at least fifty percent of the total eligible employers in such organization. (~~No groups with less than one hundred participating members will be formed unless the aggregate premium of those members is expected to exceed \$150,000 during the coverage period.~~)

(5) The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group.

Each employer seeking to enroll in a group for workers' compensation insurance must have an industrial insurance account in good standing with the department such that at the time the agreement is processed no outstanding premiums, penalties or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310.

The above conditions do not pertain to groupings or combination of persons or risks by way of common ownership or common use and control for experience rating purposes. Combinations for experience rating are governed by WAC 296-17-873.

Final determination of group eligibility under this section rests with the department subject to review under chapter 51.52 RCW.

In providing employer group plans under this rule, the department may consider an employer group as a single employing entity for purposes of dividends or retrospective rating. No employer will be a member of more than one group for the purposes of insuring their workers' compensation obligations.

**AMENDATORY SECTION** (Amending Order 86-18, filed 2/25/86)

WAC 296-17-916 RETROSPECTIVE PREMIUM ADJUSTMENTS—DUE AND PAYABLE. The initial retrospective premium adjustment will be calculated approximately twelve months from the close of the coverage period and annually thereafter for a period of (~~four~~) two years. Provided a request is made within ninety days following promulgation of the (~~fifth~~) third and final required retrospective premium adjustment by either the employer or department up to two subsequent annual retrospective premium adjustments on the coverage period will be made. The additional adjustments will be identified as the (~~sixth~~) fourth and (~~seventh~~) fifth adjustments and must be requested and made in succession.

Retrospective premium adjustments become due or payable within sixty days of notification of amount. Re-evaluation of incurred losses or premium audits will not delay retrospective premium adjustment payments. For employers participating on an individual retrospective rating plan, no retrospective premium adjustment refund check will be written for less than ten dollars. In lieu of refund checks, retrospective premium adjustments of less

than ten dollars will be credited to the employer's industrial insurance account. Retrospective premium adjustments of less than five dollars will be disregarded and not considered due or payable.

The department may withhold any member's pro rata share from the group's retrospective premium adjustment refund and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department. For employers participating in an individual retrospective rating plan, retrospective premium adjustment refunds may be credited to the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

#### WSR 88-12-049

##### ADOPTED RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-08—Filed May 31, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of retrospective rating plans and groups insurance plans, chapter 296-17 WAC. The rule offers employers or employer groups that have enrolled in retrospective rating programs for coverage periods beginning July 1, 1984, through July 1, 1988, the opportunity to elect to eliminate the required fourth and fifth retrospective premium adjustment under WAC 296-17-916 by giving written notification to the Department of Labor and Industries no later than September 30, 1988. Employer or employer groups that have elected to eliminate the required fourth and fifth annual retrospective premium adjustments may request fourth and fifth annual retrospective premium adjustments as described in WAC 296-17-916 as amended July 1, 1988.

This action is taken pursuant to Notice No. WSR 88-07-102 filed with the code reviser on March 23, 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 51.04.020(1) and 51.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
APPROVED AND ADOPTED May 31, 1988.

By Joseph A. Dear  
Director

#### NEW SECTION

WAC 296-17-91601 NINETY-DAY OPEN OPTION. Employer or employer groups that have enrolled for coverage periods beginning July 1, 1984, through July 1, 1988, may elect to eliminate the required fourth and fifth retrospective premium adjustment under WAC

296-17-916 by giving written notification to the department of labor and industries no later than September 30, 1988.

Employer or employer groups that have elected to eliminate the required fourth and fifth annual retrospective premium adjustments may request optional fourth and fifth retrospective premium adjustments as described in WAC 296-17-916 as amended July 1, 1988.

#### WSR 88-12-050

##### ADOPTED RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-06—Filed May 31, 1988—Eff. July 1, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of rules, definitions, and risk classification language contained in chapter 296-17 WAC, applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries, including the proposed establishment of three new risk classifications for the building construction industry applicable to wallboard installation, garage door installation, and carpentry, N.O.C.; one new risk classification for fertilizer dealers and several new risk classifications for temporary service companies; repeal of a recreational boat building classification with boat building risk begin reclassified to other existing risk classifications based on process and hazard; deletion of references in existing risk classifications for new proposals; minor wording changes in several existing risk classifications which are housekeeping in nature and do not affect the scope of the classification; and base rates and expected losses for the new risk classifications.

This action is taken pursuant to Notice No. WSR 88-06-072 filed with the code reviser on March 2, 1988. These rules shall take effect at a later date, such date being July 1, 1988.

This rule is promulgated pursuant to RCW 51.16.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 31, 1988.

By Joseph A. Dear  
Director

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules

contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Overview. Washington law (RCW 51.16.035) requires that the department of labor and industries classify all occupations or industries by degree of hazard. To accomplish this, the department has established approximately two hundred seventy basic classifications of risk embracing the various industries within the state (the actual number may vary from year to year). These basic classifications are set forth in WAC 296-17-501 through 296-17-779. The general principles and objectives of the basic classification system are set forth in WAC 296-17-310.

The first step in determining the appropriate classification for an employer is to determine the nature of the employer's business being insured in this state. If the department determines that an employer's business consists of a single operation or a number of separate operations which normally prevail in that business then the single enterprise rule (WAC 296-17-380) is applicable. This rule provides that the department is to assign the single basic classification which most accurately describes the employer's entire enterprise. This process begins with the search for a basic classification which specifically describes the employer's business. If such a basic classification is found the process of assigning a basic classification is complete.

If the employers' business operation is not specifically described by any basic classification then the employer's business is to be classified as provided for in WAC 296-17-360 (assignment of classification by analogy). In classifying by analogy the department examines the process and hazard of the employer's business and compares it to that of other basic classifications with processes and hazards that are similar to those of the employer's business and assigns the most analogous classification on that basis.

In the event that a review of the employer's business operations indicates the possibility that the employer conducts more than one business within this state, a determination will be made as to whether any additional basic classifications should be assigned on the basis of the criteria set out in the multiple enterprise rule (WAC 296-17-390).

Once the employer's basic classification has been established, the department must determine whether additional classifications should be assigned to apply to specific employments within an employer's business such as the standard exception rule (WAC 296-17-440), the general exclusion rule (WAC 296-17-430), the special exception rule (WAC 296-17-441), or those indicated by the language of any applicable basic classifications

that permit or require separate reporting of any operations within that business or industry or as otherwise provided by this chapter.

(3) Premium payments - quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in RCW 51.48.030. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

(4) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

(5) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a basic medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the basic premium rate only, and the experience rating plan shall not apply to medical aid rates.

(6) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

(7) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded by

language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

In the event an employer operates a secondary business within this state, multiple basic classifications can be assigned provided that the conditions set forth in WAC 296-17-390 "multiple enterprises" have been met. However, construction or erection operations are to be assigned classifications as provided in subsection (8) of this section.

(8) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll records are maintained for each operation.

In the event separate payroll records are not maintained the entire number of worker hours for such operations shall be assigned to the highest rated classification which applies to the job site or location where the operation is performed.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location.

(9) Classification assignment of separate legal entities. Each separate legal entity shall be assigned to the basic classification or classifications which best describe its operations within the state using the classification procedures outlined in subsections (2), (7), and (8) of this section.

(10) All operations. Each basic classification in this manual, other than classifications 4806, 4904, 5206, 6301, 6302, 6303, 7101, or the temporary help classifications 7104 through ~~((7109))~~ 7121, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-450 SPECIAL AGRICULTURAL CLASSIFICATION INTERPRETATIONS. Farming in classifications 4802 through 4806, 4808, 4809, 4810, 4811, 7301, 7302, and 7307 will include farm labor by contractors and farm machinery operations by contractors.

To qualify for ~~((a))~~ separate ratings ~~((of ground hand-picking or any other separation of agricultural))~~ (classifications), separate and distinct payroll records of each such operation(s) will be required.

If a single establishment or work comprises more than one of classifications 4802 through 4806, 4808, 4809, 4810, 4811, 7301, 7302, and 7307 the premiums shall be computed according to the payroll ((for operations)) of each classification provided distinct payroll records have been kept for each such operation, otherwise, the operation will be assigned to the highest rated classification

representing any portion of the work being performed. The department in its discretion may assess a single rate of premium for an agricultural establishment when a substantial portion of the operation falls within one classification, and in such cases, the entire operation will be required to be reported in such largest classification: PROVIDED, That under no circumstance(s) will the hand-picking classification (4806) apply for the purpose of single rating ((of)) an entire establishment engaged in other phases of agricultural activities. Provided further, that farm labor contractors shall be assigned the classification(s) applicable to the agricultural establishment for whom they are providing services.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-455 SPECIAL TEMPORARY HELP CLASSIFICATION INTERPRETATION. For the purposes of administering the temporary help classifications 7104 through ~~((7109))~~ 7121, the term "temporary help" shall be given the same meaning as temporary service contractors defined in RCW 19.31.020(2) and shall mean any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-519 CLASSIFICATION 0504.

Wallboard taping and texturing, excluding wallboard installation rated under risk classification ~~((0505 (WAC 296-17-520)))~~ 0515 (WAC 296-17-52107)

Painting bridges, including incidental preparation work  
Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop

Waterproofing, N.O.C. excludes roofing or subaqueous work

Painting, coating or cleaning oil or gas storage tanks and beer vats

Painting towers, smokestacks and steel or iron structures.

**AMENDATORY SECTION** (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-520 CLASSIFICATION 0505.

Construction, alteration, or repair of buildings, N.O.C.:  
Concrete, iron, or steel

Gutters: Installation, service or repair - on structures ~~((Wallboard installation))~~

Plastering, stuccoing, and lathing, N.O.C.

~~((Door, door frame, sash, overhead door, siding installation, framing and carpentry, N.O.C.))~~

Elevator door bucks - installation

Mobile home set up including installation of skirting and awnings by contractor. Excludes mobile home set up by mobile home dealers reported under risk classification 3401

Fire escapes and awnings: Installation, alteration, repair, or removal – building exteriors  
 Decorative metal shutters: Installation, repair or removal – no buntings  
 Scaffolds, hod hoists, concrete and cement distributing towers, sidewalk bridges and construction elevators – installation or removal  
 Debris cleaning and removal.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-52102 CLASSIFICATION 0510.

Wood frame building construction, alteration, or repair, N.O.C.

For the purposes of this rule wood frame building construction means buildings erected exclusively of wood or wood products.

This classification includes all building framing activities done in connection with wood frame building construction including the placement of roof trusses, sheathing roofs, installation of exterior building siding, and installation of exterior doors and door frames whether performed by a general or specialty contractor.

NEW SECTION

WAC 296-17-52106 CLASSIFICATION 0514.

Garage or overhead door installation including automatic door openers when installed with a garage or overhead door.

NEW SECTION

WAC 296-17-52107 CLASSIFICATION 0515.

Wallboard installation

This classification excludes taping and texturing work which is to be reported separately in risk classification 0504 "wallboard taping and texturing."

NEW SECTION

WAC 296-17-52108 CLASSIFICATION 0516.

Carpentry, N.O.C.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-52701 CLASSIFICATION 0608.

Business machine and((;)) computer mini and main-frame systems((;)).

Report the installation of personal desk top computer systems separately in risk classification 4107.

Electrical alarm systems including smoke alarms

Intercom or audio call box

Telecommunication and PBX or similar equipment

Telephone service prewire by contractor

This classification includes installation, service or repair of the above types of equipment and includes all shop or yard operations.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-536 CLASSIFICATION 1101.

~~((Anhydrous ammonia delivery))~~

Armoured car service

Automobile delivery drive away, automobile repossessing

Computer tape/accounting records delivery service

Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.

Delivery companies, deliver parcels and packages, no bulk merchandise

Distribution of sample merchandise by vehicle

Driver delivery sales, N.O.C.

Drivers of sound trucks

News agents or distributors of magazines, periodicals and telephone books, no retail dealer

Route food services, excludes food preparation to be reported under risk classification 3905 (WAC 296-17-618)

Septic tank and cesspool cleaning, excludes installation or repair

Street sweeping, parking lot sweeping, portable chemical toilets servicing

Street vending vehicles.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-552 CLASSIFICATION 1801.

~~((Smelting, sintering or refining lead, manufacturing calcium carbide~~

~~Blast furnace operation~~

~~Rolling mills steel or iron, rolling mills, N.O.C.~~

~~Lead works – sheet, tinfoil manufacturing~~

~~Lead manufacturing – red or white~~

~~Smelting, sintering or refining ores, N.O.C.)) Blast furnace operation~~

Lead manufacturing – red or white

Lead works – sheet, tinfoil manufacturing

Recovering, refining, or reprocessing metals

Rolling mills steel or iron, rolling mills, N.O.C.

Smelting, sintering or refining lead, manufacturing calcium carbide

Smelting, sintering or refining ores, N.O.C.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-563 CLASSIFICATION 2102.

~~((Anhydrous ammonia, fertilizer and agricultural chemical dealers. Drivers will be separately rated under risk classification 1101 (WAC 296-17-536) anhydrous ammonia delivery))~~

Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers will be separately rated under risk classification 1101 (WAC 296-17-536) delivery by combined wholesale and retail stores

Recycle, collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C., no junk dealers. Drivers will be separately rated under

risk classification 1102 (WAC 296-17-537) trucking, N.O.C.

Warehouses – general merchandise. Wholesale dealers to be separately rated. Drivers will be separately rated under risk classification 1102 (WAC 296-17-537) trucking, N.O.C.

Wool or cotton merchants. Drivers will be separately rated under risk classification 1102 (WAC 296-17-537) trucking, N.O.C.

### NEW SECTION

WAC 296-17-56402 CLASSIFICATION 2106.

Anhydrous ammonia, fertilizer, and agricultural chemical dealers including mixing of chemicals.

This classification does not apply to the production of raw materials for use in the manufacture of the above products.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-567 CLASSIFICATION 2401.

Paper or pulp manufacturing, wood fibre manufacturing  
Corrugated and fibre board container manufacturing, including corrugating and laminating of paper  
Paper coating, corrugating, laminating or oiling  
Paper goods, N.O.C., manufacturing  
Building and roofing paper ((or felt preparation,)) including felt, manufacturing.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-580 CLASSIFICATION 3402.

Abrasive wheel manufacturing  
Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing  
Automobile(;) or truck, ((tractor)) radiator and heater core manufacturing and repair shops  
Auto body manufacturing – truck, trailer, bus body manufacturing, travel trailer body repair  
Auto or motorcycle manufacturing or assembly  
Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.  
Auto or truck parts, machining or rebuild not in vehicle  
Battery manufacturing or assembly including repair  
Bed spring or wire mattress manufacturing  
Confectioners machinery manufacturing or assembly, food processing machinery manufacturing or assembly, precision machined parts, N.O.C., manufacturing  
Coppersmithing, shop  
Furnace, heater or radiator manufacturing  
Heat treating metal  
Lead burning, metal spraying – copper  
Machinery manufacturing or assembly, N.O.C.  
Machine shops, N.O.C., including mobile shops, tool sharpening and marine engine repair  
Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.

Office machinery manufacturing or assembly, N.O.C., cash register and sewing machine manufacturing or assembly

Photo processing machinery manufacturing or assembly  
Power saw, lawn and garden equipment and small motor repair, N.O.C.

Printing or bookbinding machinery manufacturing or assembly

Pump manufacturing or assembly, safe manufacturing or assembly, scale manufacturing or assembly including repair, auto jack manufacturing or assembly, water meter manufacturing or assembly including repair

Saw manufacturing or assembly

Sewing machine, commercial – repair and rebuild

Shoe machinery manufacturing or assembly, sprinkler head manufacturing or assembly, textile machinery manufacturing or assembly

Small arms, speedometer and carburetor manufacturing or assembly including rebuild

Tool manufacturing, machine finishing

Tool manufacturing, not hot forming or stamping, die manufacturing – ferrous

Valve manufacturing

Welding or cutting, N.O.C. including mobile operations

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Unless outside activities are specifically provided for they are to be separately rated

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated within this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-582 CLASSIFICATION 3404.

Aluminum ware manufacturing – from sheet aluminum  
Auto or truck parts manufacturing or assembly N.O.C. – miscellaneous stamped parts

Awning manufacturing or assembly – metal

Brass or copper goods manufacturing

Cans manufacturing – aluminum or galvanized

Coffin-casket manufacturing or assembly, other than wood

Electric or gas lighting fixtures, lampshades or lantern manufacturing or assembly – metal

Furniture, ((bedstead,)) shower-door, showcases – not wood – manufacturing or assembly

Galvanized iron works, manufacturing – not structural

Hardware manufacturing, N.O.C.

Metal goods manufacturing, N.O.C., from material lighter than 9 gauge

Metal stamping, including plating and polishing

Sign manufacturing – metal

Ski manufacturing and toboggan manufacturing other than wood



Stove manufacturing, excluding wood stove manufacturing and other stoves made from material 9 gauge or heavier rated under risk classification 5209 (WAC 296-17-67602)

Water heater manufacturing or assembly

Window, sash or door manufacturing or assembly - aluminum

Physically separate upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing may be separately rated under risk classification 3808 (WAC 296-17-612), and in accordance with WAC 296-17-410

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Unless outside activities are specifically provided for they are to be separately rated

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated in this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-594 CLASSIFICATION 3602.

Camera manufacturing or assembly including repair in shop

Dental laboratories

~~((Electrical))~~ Electric cordset radio and ignition assembly

Electronic circuit board assembly, N.O.C.

Electronic products manufacturing; resistors, capacitors, chip and relays manufacturing

Fishing tackle manufacturing, N.O.C., including assembly

Incandescent lamp manufacturing, electric tube or transistor manufacturing

Instrument manufacturing, scientific, medical or professional

Jewelry manufacturing or engraving

Magnetic tape manufacturing

Motion picture projectors manufacturing or assembly including repair in shop

Silverware manufacturing, watch case manufacturing

Sound recording equipment, thermometer and steam gauge manufacturing

Stereo components manufacturing or assembly

Tag, button, zipper or fastener manufacturing, bottle cap manufacturing

Telegraph or radio apparatus manufacturing, N.O.C.

Telephone set manufacturing or repair, N.O.C.

Trophy engraving

Watch manufacturing

This is a shop or plant only classification although the classification allows for repair work when specified it is contemplated that such repairs are limited to those

brought into the shop by the customer or sent through a common carrier. This classification excludes all outside repair work

This classification does not apply to the production of raw material for use in the manufacturing of the above articles.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-630 CLASSIFICATION 4301.

~~((Fertilizer manufacturing))~~

Glue manufacturing

Lard making or refining

Meat products manufacturing, including canning or dehydrating

Packing house - including butchering and handling livestock

Peat moss shredding and baling

Rendering works, N.O.C.

Sausage casings, wholesale dealer

Sausage manufacturing

Slaughter houses

Tallow making

Tanneries, fur manufacturing.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-643 CLASSIFICATION 4802.

Berry farms

Bulb raising

Field vegetable crops, such as bush beans, peas, sweet corn, potatoes, sugar beets, and field carrots which are mechanically harvested

Flower seed growing including harvesting of seeds

Picking of forest products, N.O.C.

~~((Vegetable crops, such as bush beans, peas, sweet corn, potatoes, sugar beets, and field carrots which are mechanically harvested:))~~

Vineyards including harvesting of fruit

This classification excludes fresh fruit packing operations rated under risk classification 2104 (WAC 296-17-564); and fruit cannery or freezer operations rated under risk classification 3902 (WAC 296-17-615) unless specifically included by manual language.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-64901 CLASSIFICATION 4809.

Greenhouses, N.O.C.

Flowers - field growing, excluding bulb raising rated in risk classification 4802 (WAC 296-17-643)

Mushroom raising and harvesting

Sprouts raising and harvesting

This classification excludes fresh vegetable packing operations rated under risk classification 2104 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification 3902 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

## WAC 296-17-64902 CLASSIFICATION 4810.

Farms - field vegetables, N.O.C. including truck gardening for fresh market. This classification includes all ground preparation, growing husbandry and hand harvesting with the aid of a hand held cutting device such as a paring or cutting knife used in the harvest of broccoli or cauliflower and by hand alone as in the case of cucumbers.

Separately report ground preparation, growing and harvesting of vegetable crops such as bush beans, peas, sweet corn, potatoes and field carrots which are mechanically harvested in risk classification 4802 (WAC 296-17-643)((;)) "farms((;)) Vegetables - mechanically harvested"; fresh vegetable packing operations reported separately under risk classification 2104 (WAC 296-17-564); and vegetable cannery or freezer operations reported separately under risk classification 3902 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

## WAC 296-17-677 CLASSIFICATION 5301.

Accounting or bookkeeping firms  
Computer software or word processing services  
Court reporting firms  
Credit bureaus  
Employment agencies  
Law firms  
Management analyst or consulting firms, N.O.C.  
Secretarial or telephone answering services  
~~((Temporary help agencies - administrative offices only))~~

Travel agencies  
This classification includes clerical office and sales personnel

Use of this classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

## WAC 296-17-680 CLASSIFICATION 6103.

Athletic officials for amateur sports, N.O.C., such as umpires and referees

Churches  
Day nurseries or child care centers  
Libraries, N.O.C.  
Museums, N.O.C.  
Schools, N.O.C. including dance, modeling, music and flight instructions classroom only  
Schools: Academic K-12

Schools, trade or vocational

Use of this classification is limited to clerical office, sales personnel and white collar professional employees  
See risk classification 6104 (WAC 296-17-681) for other operations.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

## WAC 296-17-736 CLASSIFICATION 6705.

~~((Athletic officials for amateur sports, N.O.C., such as umpires, and referees))~~

Excursions - outdoor recreational N.O.C., includes river rides, pack trains, hiking and mountaineering, and including camping operations incidental thereto

Ski facilities - includes all operations incidental to the operation of the skiing facility such as ski tows parking lots but excludes food service operations, hotel or motel operations, ski rental or ski sales shops

Ski instructors and ski patrols  
Wind sail board instructors.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

## WAC 296-17-757 CLASSIFICATION 7104.

~~((Temporary help companies~~

~~This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 1304 (WAC 296-17-541); 4901 (WAC 296-17-650), 4902 (WAC 296-17-651); 4903 (WAC 296-17-652), 4904 (WAC 296-17-653); 4906 (WAC 296-17-655), 5301 (WAC 296-17-677); 5305 (WAC 296-17-678), 5306 (WAC 296-17-679); 6103 (WAC 296-17-680), 6109 (WAC 296-17-686); 6303 (WAC 296-17-698), 6501 (WAC 296-17-714); 6502 (WAC 296-17-715), 6506 (WAC 296-17-719); 7202 (WAC 296-17-764).)) Temporary help company: Administrative offices including clerical office and sales personnel.~~

This classification applies only to those employees of the temporary help company assigned to work in the administrative or branch offices of a temporary help company. It does not apply to employees of a temporary help company assigned to a customer's administrative or clerical office. This classification is also applicable to an employment agency's administrative office when conducted in connection with a temporary help company operation.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

## WAC 296-17-758 CLASSIFICATION 7105.

~~((Temporary help companies~~

~~This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 1007 (WAC 296-17-53504), 1106 (WAC 296-17-53803), 1303 (WAC 296-17-540), 2201 (WAC 296-17-565), 2202 (WAC 296-17-566), 2203 (WAC 296-17-56601), 3403 (WAC 296-17-581), 3405 (WAC 296-17-58201), 3406 (WAC 296-17-583), 3408 (WAC 296-17-585), 3409 (WAC 296-17-58501), 3602 (WAC 296-17-594), 3701 (WAC 296-17-599), 3707 (WAC 296-17-603), 3708 (WAC 296-17-604), 3801 (WAC 296-17-605), 3802 (WAC 296-17-606), 3808 (WAC 296-17-612), 3905 (WAC 296-17-618), 3909 (WAC 296-17-61804), 4101 (WAC 296-17-620), 4103 (WAC 296-17-622), 4107 (WAC 296-17-626), 4108 (WAC 296-17-627), 4109 (WAC 296-17-628), 4501 (WAC 296-17-637), 4502 (WAC 296-17-638), 4503 (WAC 296-17-639), 4504 (WAC 296-17-640), 4905 (WAC 296-17-654), 5207 (WAC 296-17-676), 6105 (WAC 296-17-682), 6107 (WAC 296-17-684), 6201 (WAC 296-17-687), 6203 (WAC 296-17-689), 6204 (WAC 296-17-690), 6205 (WAC 296-17-691), 6206 (WAC 296-17-692), 6209 (WAC 296-17-695), 6301 (WAC 296-17-696), 6302 (WAC 296-17-697), 6304 (WAC 296-17-699), 6305 (WAC 296-17-700), 6306 (WAC 296-17-701), 6308 (WAC 296-17-703), 6309 (WAC 296-17-704), 6402 (WAC 296-17-706), 6403 (WAC 296-17-707), 6404 (WAC 296-17-708), 6405 (WAC 296-17-709), 6406 (WAC 296-17-710), 6407 (WAC 296-17-711), 6503 (WAC 296-17-716), 6504 (WAC 296-17-717), 6505 (WAC 296-17-718), 6508 (WAC 296-17-721), 6509 (WAC 296-17-722), 6601 (WAC 296-17-723), 6603 (WAC 296-17-725), 6604 (WAC 296-17-726), 6605 (WAC 296-17-727), 6607 (WAC 296-17-729), 6704 (WAC 296-17-735), 6709 (WAC 296-17-740), 6909 (WAC 296-17-75301), 7308 (WAC 296-17-778).))~~ Temporary help company: Office support services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged wholly in office work for such customers. This classification would include occupations such as clerks, typists, receptionists, secretaries, accountants, bookkeepers, word processors, data entry and computer operators, programmers, drafters, designers, technical writers, technical illustrators, design engineers, telemarketers, and dispatchers. Employees subject to this classification are not required to physically be located in a clerical office. The test is whether or not they perform clerical office work as described in this classification. A division of worker hours is not permitted between this classification and any other classification.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-759 CLASSIFICATION 7106.

((Temporary help companies

~~This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 0301 (WAC 296-17-510), 0803 (WAC 296-17-529), 1103 (WAC 296-17-538), 1104 (WAC 296-17-53801), 1301 (WAC 296-17-539), 1404 (WAC 296-17-544), 1405 (WAC 296-17-54401), 1501 (WAC 296-17-545), 1507 (WAC 296-17-546), 2002 (WAC 296-17-555), 2003 (WAC 296-17-556), 2004 (WAC 296-17-557), 2005 (WAC 296-17-558), 2007 (WAC 296-17-560), 2008 (WAC 296-17-561), 2101 (WAC 296-17-562), 2102 (WAC 296-17-563), 2104 (WAC 296-17-564), 3309 (WAC 296-17-578), 3401 (WAC 296-17-579), 3407 (WAC 296-17-584), 3501 (WAC 296-17-586), 3503 (WAC 296-17-587), 3508 (WAC 296-17-592), 3702 (WAC 296-17-600), 3901 (WAC 296-17-614), 3906 (WAC 296-17-61801), 4401 (WAC 296-17-635), 4404 (WAC 296-17-636), 4802 (WAC 296-17-643), 4803 (WAC 296-17-644), 4804 (WAC 296-17-645), 4805 (WAC 296-17-646), 4806 (WAC 296-17-647), 4808 (WAC 296-17-649), 4809 (WAC 296-17-64901), 4810 (WAC 296-17-64902), 4811 (WAC 296-17-64903), 4812 (WAC 296-17-64904), 5307 (WAC 296-17-67901), 6104 (WAC 296-17-681), 6108 (WAC 296-17-685), 6202 (WAC 296-17-688), 6208 (WAC 296-17-694), 6408 (WAC 296-17-712), 6409 (WAC 296-17-713), 6602 (WAC 296-17-724), 6608 (WAC 296-17-730), 6706 (WAC 296-17-737), 6801 (WAC 296-17-741), 6802 (WAC 296-17-742), 6804 (WAC 296-17-744), 6908 (WAC 296-17-753), 7201 (WAC 296-17-763), 7301 (WAC 296-17-772), 7302 (WAC 296-17-773), 7307 (WAC 296-17-777).))~~

Temporary help company: Retail or wholesale store services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in activities such as cashiering, stocking, product demonstration, booth aids, modeling, outside sales, and inventory taking.

For the purposes of this section, inventory taking is limited to those services provided to store operations which are performed exclusively at ground level. Inventory taking utilizing ladders, step stools, or at any height or when performed for customers not engaged in store operations are to be reported separately in risk classification 7114 provided they do not operate equipment or machinery.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-760 CLASSIFICATION 7107.

((Temporary help companies

~~This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 0306 (WAC 296-17-512), 0307 (WAC 296-17-513), 0503 (WAC 296-17-518), 0601 (WAC 296-17-522), 0602 (WAC 296-17-523), 0603 (WAC 296-17-524), 0606 (WAC 296-17-526), 0607 (WAC 296-17-527), 0608 (WAC 296-17-52701), 1108 (WAC 296-17-53805), 1401 (WAC 296-17-542), 1801 (WAC 296-17-552), 2401 (WAC 296-17-567), 2903 (WAC 296-17-568), 2904 (WAC 296-17-569), 2905 (WAC 296-17-56901), 2906 (WAC 296-17-570), 2907 (WAC 296-17-57001), 2908 (WAC 296-17-57002), 2909 (WAC 296-17-57003), 3101 (WAC 296-17-571), 3102 (WAC 296-17-572), 3103 (WAC 296-17-573), 3104 (WAC 296-17-574), 3105 (WAC 296-17-575), 3301 (WAC 296-17-576), 3302 (WAC 296-17-57601), 3303 (WAC 296-17-57602), 3402 (WAC 296-17-580), 3404 (WAC 296-17-582), 3603 (WAC 296-17-595), 3604 (WAC 296-17-596), 3605 (WAC 296-17-597), 3606 (WAC 296-17-598), 3902 (WAC 296-17-615), 3903 (WAC 296-17-616), 4002 (WAC 296-17-619), 4201 (WAC 296-17-629), 4301 (WAC 296-17-630), 4302 (WAC 296-17-631), 4303 (WAC 296-17-632), 4304 (WAC 296-17-633), 4402 (WAC 296-17-63501), 4601 (WAC 296-17-641), 5101 (WAC 296-17-661), 5102 (WAC 296-17-662), 5103 (WAC 296-17-663), 5105 (WAC 296-17-665), 5106 (WAC 296-17-666), 5107 (WAC 296-17-667), 5108 (WAC 296-17-668), 5109 (WAC 296-17-669), 5201 (WAC 296-17-670), 5202 (WAC 296-17-671), 5203 (WAC 296-17-672), 5204 (WAC 296-17-673), 5208 (WAC 296-17-67601), 5209 (WAC 296-17-67602), 6705 (WAC 296-17-736).)) Temporary help company: Bakery, restaurant, or food sundry preparation services, and musicians or entertainers.~~

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in activities such as baking, cooking, food preparation, waiting and bussing tables, and dishwashing, or who are assigned to a customer and who are engaged as musicians or entertainers.

**AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)**

WAC 296-17-761 CLASSIFICATION 7108.

((Temporary help companies

~~This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 0101 (WAC 296-17-501), 0102 (WAC 296-17-502), 0103 (WAC 296-17-503), 0104 (WAC 296-17-504), 0105 (WAC 296-17-505), 0106 (WAC 296-17-506), 0107 (WAC 296-17-50601), 0108 (WAC 296-17-50602), 0109 (WAC~~

~~296-17-507), 0206 (WAC 296-17-675), 0302 (WAC 296-17-511), 0401 (WAC 296-17-514), 0402 (WAC 296-17-515), 0403 (WAC 296-17-516), 0502 (WAC 296-17-517), 0504 (WAC 296-17-519), 0505 (WAC 296-17-520), 0508 (WAC 296-17-521), 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), 0511 (WAC 296-17-52103), 0512 (WAC 296-17-52104), 0513 (WAC 296-17-52105), 0604 (WAC 296-17-525), 0701 (WAC 296-17-528), 0804 (WAC 296-17-530), 0901 (WAC 296-17-532), 1002 (WAC 296-17-534), 1003 (WAC 296-17-535), 1004 (WAC 296-17-53501), 1101 (WAC 296-17-536), 1102 (WAC 296-17-537), 1109 (WAC 296-17-53806), 1703 (WAC 296-17-550), 1704 (WAC 296-17-551), 2105 (WAC 296-17-56401), 3506 (WAC 296-17-590), 4305 (WAC 296-17-634), 5206 (WAC 296-17-675), 6207 (WAC 296-17-693), 6609 (WAC 296-17-731), 6902 (WAC 296-17-747), 6904 (WAC 296-17-749), 6905 (WAC 296-17-750), 6907 (WAC 296-17-752), 7103 (WAC 296-17-756).)) Temporary help company: Warehousing and repackaging of soft goods, retail products, and pharmaceuticals.~~

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in warehousing or repackaging of items such as clothing, fabric, yarn, shoes, glassware, art, linens, kitchenware, drugs and pharmaceutical preparations, computer discs, bulk film or cassette tapes and records.

**AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)**

WAC 296-17-762 CLASSIFICATION 7109.

((Temporary help companies

~~This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 0201 (WAC 296-17-508), 0202 (WAC 296-17-509), 0506 (WAC 296-17-52001), 0507 (WAC 296-17-52002), 1005 (WAC 296-17-53502), 1701 (WAC 296-17-548), 1702 (WAC 296-17-549), 5001 (WAC 296-17-659), 5002 (WAC 296-17-660), 5003 (WAC 296-17-66001), 5004 (WAC 296-17-66002), 6803 (WAC 296-17-743), 6903 (WAC 296-17-748).)) Temporary help company: Electronic, precision, and scientific equipment assembly and technician services.~~

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in tailoring or dress-making or in the assembly of electronic or biomedical equipment and employees engaged in printing and bindery work. This classification includes occupations such as electronic assemblers, mechanical assemblers, electro-mechanical assemblers, quality control inspectors, test technicians, kit pullers, storekeepers, laboratory technicians, printers, offset operators, lead typesetters, and bindery workers.

**NEW SECTION****WAC 296-17-76201 CLASSIFICATION 7110.**

Temporary help company: Field engineer and technician services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers who are engaged in duties away from the customers premises and who are providing field engineering, field technician, traffic counters and surveying services, telephone installation and service within buildings, vending machine service and parking lot or garage attendants, weigh scale attendants, and service station attendants excluding mechanics.

**NEW SECTION****WAC 296-17-76202 CLASSIFICATION 7111.**

Temporary help company: Health care, medical laboratory, quality control services, testing laboratories, N.O.C., home maker services and home health services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are providing health care services and includes such employments as therapists, nurses, nurses aides, physicians, laboratory technicians and assistants.

**NEW SECTION****WAC 296-17-76203 CLASSIFICATION 7112.**

Temporary help company: Agricultural services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any aspects of agricultural work such as field crops, livestock, stables, dairies, nurseries and greenhouses including the operation of power driven farm machinery or equipment.

**NEW SECTION****WAC 296-17-76204 CLASSIFICATION 7113.**

Temporary help company: Janitorial, plant or facility supplemental maintenance and groundskeeping services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in janitorial work, preoccupancy building cleanup, plant maintenance, and groundskeeping work such as mowing lawns, pruning shrubs and weeding or grounds maintenance of existing landscape as compared to new construction work. Landscape workers involved exclusively in hand labor work such as raking, digging, using wheel barrow to haul soil, beauty bark or decorative rock, whether performed as maintenance of existing landscape or new landscape work are subject to this risk classification (7113). Separately report employees engaged in exterior window cleaning, debris or building material cleanup and removal, and new landscape construction (i.e., clearing of land, installation of underground sprinkler systems, moving boulders) in risk

classification 7118. Tree removal to be reported separately in risk classification 7121. A division of worker hours is not permitted between this classification and any other classification.

**NEW SECTION****WAC 296-17-76205 CLASSIFICATION 7114.**

Temporary help company: Assembly work, N.O.C. and freight handling—bulk merchandise, N.O.C.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in the assembly of wood, metal, or plastic products and freight handling of bulk merchandise who do not operate power driven machinery or equipment. Employees assigned to this classification may, however, use small power driven hand tools in the assembly process and hand trucks for moving bulk merchandise. This classification also includes inventory takers, N.O.C. Employees whose duties include the operation of power driven equipment or machinery, although they may also be engaged in assembly work or freight handling activities, are to be reported without division of hours in risk classification 7117.

**NEW SECTION****WAC 296-17-76206 CLASSIFICATION 7115.**

Temporary help company: Cannery or food processing services, including fresh fruit and vegetable packing and food dehydrating processes.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are assigned to work in a cannery, fruit and vegetable packing or freezer operation. This classification includes employees engaged in cooking or otherwise preparing food prior to packaging or canning, but excludes employees engaged in plant or cannery equipment or machinery operations or maintenance which are to be reported separately in risk classification 7117.

**NEW SECTION****WAC 296-17-76207 CLASSIFICATION 7116.**

Temporary help company: Flagging for public utility, power, water, or gas line construction.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in flagging services for a public utility company involved in the extension of overhead or underground power line construction or underground water or gas line construction.

**NEW SECTION****WAC 296-17-76208 CLASSIFICATION 7117.**

Temporary help company: Machine operators and skilled craftpersons—plant or shop operations, N.O.C. This classification applies to employees of a temporary help company assigned on a temporary basis to its customers who operate power driven equipment or

machinery such as forklifts, table saws, drill presses, industrial packaging and processing equipment or machinery and skilled craftpersons such as machinists, mechanics, welders, tool and die makers, carpenters, cabinet makers, and who are assigned to work in the customer's plant or shop but does not apply to maritime trades or plant maintenance workers.

This classification includes such industries as cabinet shops, lumber remanufacturing, canneries, amusement parks, sign paint shops, laundries, printing shops but would exclude shake or shingle mills.

Employees whose duties include work at a construction site are to be reported without a division of hours in risk classification 7118 except for those employees working in the specialty trades of plumbing, electrical wiring, or sheet metal work, who are subject to this risk classification (7117). Employees assigned to work in maritime trades subject to Washington workers compensation laws are to be reported separately in risk classification 7120. Employees assigned to work in a customer's plant as maintenance workers are to be reported separately in risk classification 7113.

**NEW SECTION**

WAC 296-17-76209 CLASSIFICATION 7118.

Temporary help company: Construction.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any aspect of construction work such as road, underground or overhead utility lines, fence, metal erection, signs or lighting including the operation of equipment, machinery, and tools by such employees. This classification also applies to construction security personnel and flaggers, N.O.C. Employees working in the specialty trades of plumbing, electrical wiring, or sheet metal work are to be reported separately in risk classification 7117.

**NEW SECTION**

WAC 296-17-76210 CLASSIFICATION 7119.

Temporary help company: Commercial vehicle operations, N.O.C. and sawmill operations.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in commercial vehicle operations such as truck, delivery, and taxi drivers or who are engaged in any aspect of sawmill work, such as operating machinery, grading lumber, or sorting and stacking lumber.

**NEW SECTION**

WAC 296-17-76211 CLASSIFICATION 7120.

Temporary help company: Hazardous waste handling and maritime employments.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers who are engaged in hazardous waste handling or maritime employments subject to Washington

workers compensation laws including diving or subaqueous work.

**NEW SECTION**

WAC 296-17-76212 CLASSIFICATION 7121.

Temporary help company: Logging, shake or shingle mills, and aircraft flight crew members.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any phase of logging or aircraft operations or who are assigned to work in any lumbering mill including equipment or machinery operators related to industries subject to this classification.

**AMENDATORY SECTION** (Amending Order 87-33, filed 3/1/88)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios  
Expected Loss Rates in Dollars Per Worker Hour  
for Indicated Fiscal Year

CLASS	1984	1985	1986	D-RATIO
0101	.5803	.4838	.5320	.390
0102	.4740	.3952	.4399	.432
0103	.6007	.5008	.5518	.397
0104	.5279	.4398	.4713	.302
0105	.5420	.4517	.4963	.387
0106	.8235	.6863	.7496	.367
0107	.4513	.3763	.4173	.419
0108	.5497	.4582	.5027	.383
0109	1.0331	.8607	.9325	.339
0201	.9062	.7551	.8217	.354
0202	1.1731	.9772	1.0523	.318
0206	.6926	.5770	.6237	.331
0301	.2715	.2265	.2564	.490
0302	.8296	.6915	.7604	.390
0306	.3974	.3314	.3660	.405
0307	.2914	.2429	.2674	.394
0401	1.5975	1.3318	1.4687	.400
0402	.6692	.5578	.6132	.389
0403	.6839	.5698	.6164	.334
0502	.5524	.4604	.5044	.378
0503	.4900	.4083	.4489	.389
0504	.5610	.4678	.5211	.434
0505	.7702	.6420	.7070	.395
0506	1.1163	.9308	1.0372	.435
0507	1.2804	1.0674	1.1771	.400
0508	.9951	.8293	.9048	.363
0509	.9853	.8208	.8836	.317
0510	.5965	.4974	.5509	.415
0511	.4964	.4138	.4538	.380
0512	.6435	.5366	.5977	.434
0513	.4576	.3815	.4197	.392
0514	.5965	.4974	.5509	.415
0515	.7702	.6420	.7070	.395
0516	.7702	.6420	.7070	.395
0601	.1919	.1600	.1780	.430
0602	.2119	.1766	.1946	.394
0603	.3072	.2560	.2802	.374

CLASS	1984	1985	1986	D-RATIO	CLASS	1984	1985	1986	D-RATIO
0604	.6993	.5828	.6376	.372	3103	.2096	.1747	.1935	.414
0606	.1089	.0908	.1010	.427	3104	.2149	.1791	.1972	.392
0607	.1194	.0997	.1103	.417	3105	.3122	.2605	.2951	.493
0608	.1417	.1181	.1314	.428	3301	.3784	.3157	.3563	.480
0701	.7020	.5850	.6356	.349	3302	.3017	.2516	.2787	.415
0803	.1724	.1437	.1575	.380	3303	.1178	.0981	.1086	.412
0804	.2614	.2179	.2397	.391	3309	.1831	.1527	.1685	.405
0901	1.0690	.8909	.9711	.360	3401	.1710	.1425	.1576	.409
0902	.3152	.3236	.3005	.355	3402	.1441	.1203	.1342	.442
1002	.4847	.4041	.4502	.435	3403	.0604	.0503	.0560	.429
1003	.2714	.2263	.2507	.415	3404	.1851	.1544	.1725	.446
1004	.2714	.2263	.2507	.415	3405	.0965	.0805	.0896	.430
1005	2.0768	1.7317	1.9259	.429	3406	.0844	.0704	.0785	.437
1007	.0681	.0568	.0642	.483	3407	.1438	.1200	.1318	.390
1101	.2084	.1737	.1934	.432	3408	.0504	.0421	.0463	.397
1102	.6498	.5415	.5921	.370	3409	.0718	.0599	.0667	.431
1103	.1722	.1436	.1608	.452	3501	.3035	.2531	.2816	.431
1104	.2363	.1972	.2209	.454	3503	.1428	.1192	.1351	.493
1106	.0620	.0517	.0588	.510	3505	.2506	.2575	.2380	.399
1108	.2002	.1669	.1861	.438	3506	.3118	.2600	.2859	.391
1109	.4480	.3735	.4118	.400	3508	.2131	.1777	.1984	.442
1301	.1139	.0950	.1055	.424	3601	.0451	.0463	.0426	.439
1303	.0855	.0713	.0796	.441	3602	.0337	.0281	.0317	.483
1304	.0063	.0053	.0059	.486	3603	.2915	.2431	.2729	.461
1305	.1360	.1135	.1269	.449	3604	.4778	.3982	.4370	.383
1401	.4934	.4114	.4551	.410	3605	.1690	.1409	.1570	.435
1404	.2649	.2208	.2437	.403	<del>((3606</del> <del>.2975</del> <del>.2481</del> <del>.2788</del> <del>.464))</del>				
1405	.2496	.2082	.2318	.435	3701	.1274	.1062	.1167	.389
1501	.1648	.1374	.1516	.402	3702	.2026	.1689	.1859	.395
1507	.1151	.0959	.1059	.406	3706	.1006	.1034	.0957	.388
1701	.8909	.7422	.8026	.333	3707	.1827	.1525	.1719	.477
1702	.8909	.7422	.8026	.333	3708	.1142	.0952	.1060	.433
1703	.2483	.2070	.2292	.413	3801	.1056	.0881	.0974	.411
1704	.3623	.3021	.3314	.382	3802	.0624	.0520	.0592	.503
1801	.3972	.3311	.3662	.410	3803	.0828	.0852	.0784	.450
1802	.1975	.1647	.1821	.410	3805	.0828	.0852	.0784	.450
2002	.2977	.2482	.2772	.443	3806	.0828	.0852	.0784	.450
2003	.2184	.1823	.2040	.451	3808	.1043	.0870	.0981	.479
2004	.3612	.3011	.3342	.421	3809	.1043	.1072	.0988	.441
2005	.1404	.1171	.1313	.458	3901	.0804	.0672	.0747	.433
2007	.1541	.1284	.1413	.393	3902	.2239	.1868	.2087	.445
2008	.1276	.1064	.1176	.409	3903	.4345	.3622	.4019	.420
2101	.2453	.2046	.2288	.448	3904	.3126	.3211	.2969	.403
2102	.2184	.1823	.2040	.451	3905	.0539	.0449	.0507	.479
2104	.1237	.1032	.1166	.481	3906	.2154	.1796	.2001	.434
2105	.2500	.2084	.2297	.398	3909	.0981	.0819	.0932	.507
2106	.2184	.1823	.2040	.451	4002	.2659	.2218	.2473	.437
2201	.1122	.0936	.1049	.460	4101	.0629	.0525	.0590	.462
2202	.1913	.1596	.1777	.435	4103	.1427	.1191	.1337	.461
2203	.1166	.0972	.1094	.468	4104	.0651	.0669	.0617	.439
2401	.2386	.1989	.2218	.437	4107	.0348	.0289	.0324	.450
2903	.2705	.2257	.2544	.477	4108	.0629	.0525	.0590	.462
2904	.3397	.2832	.3162	.443	4109	.0629	.0525	.0590	.462
2905	.2705	.2257	.2544	.477	4201	.1955	.1630	.1801	.406
2906	.2492	.2078	.2333	.460	4301	.3830	.3195	.3616	.490
2907	.2783	.2320	.2585	.435	4302	.3259	.2718	.3038	.448
2908	.4495	.3749	.4164	.425	4303	.4078	.3401	.3799	.445
2909	.2748	.2292	.2580	.472	4304	.2550	.2127	.2377	.446
3101	.2966	.2473	.2718	.388	4305	.5704	.4755	.5242	.398
3102	.2096	.1747	.1935	.414	4401	.1801	.1502	.1682	.453



CLASS	1984	1985	1986	D-RATIO	CLASS	1984	1985	1986	D-RATIO
4402	.2801	.2335	.2582	.408	6204	.0633	.0528	.0594	.466
4404	.2184	.1823	.2040	.451	6205	.0633	.0528	.0594	.466
4501	.0658	.0548	.0597	.357	6206	.0633	.0528	.0594	.466
4502	.0154	.0128	.0141	.395	6207	.3875	.3232	.3641	.473
4503	.0311	.0319	.0294	.426	6208	.1078	.0898	.0994	.411
4504	.0268	.0223	.0249	.455	6209	.0983	.0819	.0918	.456
4601	.2208	.1840	.1991	.335	6301	.0451	.0376	.0417	.413
4802	.1507	.1257	.1405	.447	6302	.0727	.0606	.0672	.417
4803	.1659	.1384	.1548	.448	6303	.0208	.0174	.0190	.374
4804	.2488	.2075	.2338	.473	6304	.0556	.0463	.0511	.400
4805	.1670	.1393	.1567	.467	6305	.0220	.0184	.0204	.434
4806	.0370	.0309	.0349	.476	6306	.1049	.0875	.0968	.412
4807	.7395	.6164	.6775	.389	6307	.0381	.0390	.0361	.455
4808	.1743	.1453	.1627	.452	6308	.0185	.0153	.0168	.372
4809	.0921	.0769	.0863	.463	6309	.0383	.0320	.0361	.477
4810	.0610	.0509	.0569	.448	6401	.0381	.0390	.0361	.455
4811	.1431	.1193	.1319	.410	6402	.0963	.0803	.0899	.454
4812	.1420	.1184	.1324	.447	6403	.0525	.0437	.0496	.494
4901	.0241	.0201	.0221	.401	6404	.0363	.0303	.0340	.466
4902	.0241	.0201	.0225	.455	6405	.2267	.1889	.2087	.405
4903	.0241	.0201	.0221	.401	6406	.0282	.0235	.0265	.467
4904	.0063	.0053	.0059	.486	6407	.0573	.0478	.0540	.475
4905	.1182	.0987	.1114	.483	6408	.1369	.1141	.1252	.383
4906	.0212	.0176	.0197	.438	6409	.2140	.1784	.1950	.369
4907	.0429	.0357	.0397	.425	6501	.0199	.0165	.0188	.487
4908	.0442	.0368	.0409	.429	6502	.0078	.0065	.0072	.437
4909	.0442	.0368	.0409	.429	6503	.0531	.0443	.0471	.280
5001	1.7685	1.4740	1.6135	.374	6504	.1006	.0840	.0959	.521
5002	.2176	.1815	.2046	.475	6505	.0744	.0620	.0697	.466
5003	.7879	.6565	.7122	.344	6506	.0232	.0193	.0215	.416
5004	.6529	.5447	.6174	.495	6507	.1502	.1545	.1424	.429
5101	.3329	.2775	.3075	.416	6508	.1608	.1341	.1509	.469
5102	.6769	.5641	.6182	.378	6509	.0822	.0686	.0774	.479
5103	.4539	.3783	.4161	.390	6601	.0845	.0705	.0788	.445
5104	.2871	.2950	.2731	.388	6602	.1856	.1548	.1743	.469
5106	.3007	.2507	.2767	.403	6603	.1072	.0894	.1004	.463
5107	.1997	.2050	.1896	.405	6604	.0326	.0272	.0303	.434
5108	.3199	.2668	.2962	.423	6605	.0878	.0732	.0823	.463
5109	.2578	.2150	.2361	.387	6607	.0586	.0489	.0554	.487
5201	.1379	.1150	.1275	.419	6608	.1287	.1073	.1191	.419
5204	.7658	.6389	.7194	.472	6609	1.1543	.9630	1.0884	.485
5205	.3717	.3818	.3540	.368	6704	.0750	.0625	.0695	.425
5206	.1653	.1378	.1503	.363	6705	.2719	.2267	.2569	.493
5207	.0586	.0489	.0554	.487	6706	.1300	.1084	.1206	.429
5208	.4858	.4050	.4492	.419	6707	4.4696*	3.7304*	4.2872*	.542
5209	.2895	.2414	.2710	.461	6708	1.0774	.8986	1.0082	.459
5301	.0085	.0071	.0079	.388	6709	.0527	.0439	.0497	.485
5305	.0118	.0098	.0109	.420	6801	.2842	.2370	.2636	.429
5306	.0130	.0108	.0120	.428	6802	.1696	.1414	.1573	.430
5307	.1428	.1191	.1322	.420	6803	1.3181	1.0974	1.1547	.241
6103	.0138	.0116	.0130	.455	6804	.1083	.0903	.0984	.361
6104	.1262	.1052	.1174	.438	6809	.8277	.6906	.7855	.507
6105	.1006	.0839	.0945	.469	6902	.3661	.3051	.3306	.339
6106	.1066	.1095	.1011	.416	6903	2.1082	1.7562	1.8900	.316
6107	.0537	.0448	.0492	.388	6904	.0849	.0707	.0781	.400
6108	.2139	.1785	.2024	.497	6905	.1266	.1056	.1159	.385
6109	.0150	.0125	.0139	.454	6907	.6353	.5297	.5878	.421
6201	.0647	.0539	.0599	.427	6908	.1327	.1107	.1225	.416
6202	.2763	.2303	.2558	.423	6909	.0270	.0226	.0252	.444
6203	.0471	.0393	.0435	.418	7101	.0152	.0126	.0140	.411

CLASS	1984	1985	1986	D-RATIO
7102	6.3040*	5.2584*	5.9344*	.479
7103	.0877	.0731	.0809	.413
<del>(7104</del>	<del>.0228</del>	<del>.0190</del>	<del>.0211</del>	<del>.418</del>
<del>7105</del>	<del>.1496</del>	<del>.1248</del>	<del>.1399</del>	<del>.458</del>
<del>7106</del>	<del>.3030</del>	<del>.2526</del>	<del>.2820</del>	<del>.441</del>
<del>7107</del>	<del>.4663</del>	<del>.3889</del>	<del>.4333</del>	<del>.435</del>
<del>7108</del>	<del>1.1194</del>	<del>.9336</del>	<del>1.0455</del>	<del>.453</del>
<del>7109</del>	<del>2.7203</del>	<del>2.2683</del>	<del>2.5221</del>	<del>.428))</del>
7104	.0085	.0071	.0079	.388
7105	.0228	.0190	.0211	.418
7106	.0963	.0803	.0899	.454
7107	.0963	.0803	.0899	.454
7108	.0963	.0803	.0899	.454
7109	.1496	.1248	.1399	.458
7110	.1496	.1248	.1399	.458
7111	.1496	.1248	.1399	.458
7112	.3030	.2526	.2820	.441
7113	.3030	.2526	.2820	.441
7114	.3030	.2526	.2820	.441
7715	.3030	.2526	.2820	.441
7116	.3030	.2526	.2820	.441
7117	.4663	.3889	.4333	.435
7118	1.1194	.9336	1.0455	.453
7119	1.1194	.9336	1.0455	.453
7120	2.7203	2.2683	2.5221	.428
7121	2.7203	2.2683	2.5221	.428
7201	.1601	.1337	.1512	.489
7202	.0197	.0164	.0179	.369
7203	.0462	.0385	.0428	.421
7301	.2783	.2321	.2595	.446
7302	.2286	.1907	.2146	.471
7307	.2822	.2355	.2692	.524
7308	.1038	.0865	.0962	.429
7309	.0527	.0439	.0497	.485

\*Daily expected loss rate

**AMENDATORY SECTION** (Amending Order 87-33, filed 3/1/88)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Rates Effective  
January 1, 1988

Class	Accident Fund Base Rate	Medical Aid Fund Rate
0101	0.9093	0.4644
0102	0.7490	0.5074
0103	0.9427	0.6846
0104	0.8123	0.3839
0105	0.8486	0.8076
0106	1.2841	0.8792
0107	0.7114	0.3929
0108	0.8600	0.5013

Class	Rates Effective January 1, 1988	
	Accident Fund Base Rate	Medical Aid Fund Rate
0109	1.6017	0.9324
0201	1.4093	0.8793
0202	1.8110	1.5587
0206	1.0721	0.6733
0301	0.4342	0.3572
0302	1.2999	0.6161
0306	0.6247	0.4400
0307	0.4569	0.4495
0401	2.5082	1.4778
0402	1.0483	0.9827
0403	1.0592	0.7230
0502	0.8633	0.5312
0503	0.7675	0.7671
0504	0.8870	0.6192
0505	1.2079	0.7058
0506	1.7654	1.3529
0507	2.0103	1.3163
0508	1.5505	1.3043
0509	1.5209	0.8162
0510	0.9395	0.6494
0511	0.7764	0.4345
0512	1.0175	0.6587
0513	0.7172	0.4190
0514	0.9395	0.6494
0515	1.2079	0.7058
0516	1.2079	0.7058
0601	0.3032	0.2940
0602	0.3324	0.2134
0603	0.4796	0.3725
0604	1.0917	0.8333
0606	0.1720	0.1876
0607	0.1882	0.1689
0608	0.2237	0.2465
0701	1.0907	0.5786
0803	0.2696	0.2100
0804	0.4096	0.2921
0901	1.6647	0.6481
1002	0.7664	0.6163
1003	0.4275	0.2857
1004	0.4275	0.2857
1005	3.2801	1.6494
1007	0.1088	0.1180
1101	0.3293	0.3204
1102	1.0140	0.5206
1103	0.2733	0.2864
1104	0.3753	0.3178
1106	0.0995	0.1326
1108	0.3168	0.3430
1109	0.7033	0.5388
1301	0.1798	0.1549
1303	0.1354	0.1153
1304	0.0101	0.0128
1305	0.2157	0.2320
1401	0.7764	0.9738

Rates Effective January 1, 1988			Rates Effective January 1, 1988		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
1404	0.4160	0.2512	3602	0.0537	0.0658
1405	0.3947	0.2382	3603	0.4635	0.4092
1501	0.2589	0.1825	3604	0.7475	0.5585
1507	0.1809	0.1746	3605	0.2673	0.2392
1701	1.3795	0.5348	3606	0.4732	0.4000
1702	1.3795	0.5348	3701	0.1996	0.1877
1703	0.3909	0.2264	3702	0.3177	0.2172
1704	0.5669	0.3559	3707	0.2914	0.2234
1801	0.6248	0.5719	3708	0.1805	0.1733
1802	0.2942	0.2410	3801	0.1662	0.1518
2002	0.4715	0.3381	3802	0.1000	0.0949
2003	0.3466	0.2702	3808	0.1664	0.1419
2004	0.5695	0.4361	3901	0.1272	0.1146
2005	0.2231	0.2250	3902	0.3549	0.3015
2007	0.2415	0.2310	3903	0.6850	0.7125
2008	0.2007	0.1545	3905	0.0860	0.1281
2101	0.3889	0.4256	3906	0.3405	0.2243
2102	0.3466	0.2702	3909	0.1575	0.1585
2104	0.1976	0.1930	4002	0.4207	0.3189
2105	0.3923	0.2455	4101	0.1000	0.1122
2106	0.3466	0.2702	4103	0.2269	0.2329
2201	0.1783	0.1435	4107	0.0551	0.0614
2202	0.3025	0.2907	4108	0.1000	0.1122
2203	0.1856	0.1782	4109	0.1000	0.1122
2401	0.3774	0.3303	4201	0.3074	0.2155
2903	0.4314	0.4122	4301	0.6125	0.5421
2904	0.5379	0.4367	4302	0.5166	0.4488
2905	0.4314	0.4122	4304	0.4043	0.4078
2906	0.3962	0.3008	4305	0.8952	0.5884
2907	0.4401	0.4205	4401	0.2858	0.2607
2908	0.7094	0.4791	4402	0.4405	0.3243
2909	0.4378	0.4183	4404	0.3466	0.2702
3101	0.4645	0.2845	4501	0.1023	0.0777
3102	0.3300	0.2285	4502	0.0242	0.0227
3103	0.3300	0.2285	4504	0.0425	0.0628
3104	0.3369	0.3727	4601	0.3420	0.4517
3105	0.4996	0.4441	4802	0.2389	0.1661
3301	0.6040	0.4112	4803	0.2631	0.2007
3302	0.4752	0.3445	4804	0.3964	0.3012
3303	0.1853	0.2097	4805	0.2659	0.2263
3309	0.2878	0.3378	4806	0.0591	0.0519
3401	0.2690	0.2367	4808	0.2766	0.2719
3402	0.2283	0.2720	4809	0.1466	0.1650
3403	0.0954	0.0875	4810	0.0967	0.0795
3404	0.2934	0.3018	4811	0.2251	0.1886
3405	0.1526	0.1498	4812	0.2252	0.1559
3406	0.1336	0.1620	4901	0.0378	0.0334
3407	0.2254	0.1803	4902	0.0382	0.0355
3408	0.0792	0.0740	4903	0.0378	0.0334
3409	0.1135	0.1938	4904	0.0101	0.0128
3501	0.4795	0.4461	4905	0.1888	0.2007
3503	0.2287	0.1924	4906	0.0335	0.0359
3506	0.4887	0.3374	4907	0.0677	0.0584
3508	0.3376	0.3028	4908	0.0697	0.1381

Rates Effective January 1, 1988			Rates Effective January 1, 1988		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
4909	0.0697	0.1381	6503	0.0814	0.0463
5001	2.7621	1.6466	6504	0.1620	0.2603
5002	0.3469	0.2895	6505	0.1183	0.1349
5003	1.2227	0.6197	6506	0.0365	0.0407
5004	1.0452	0.8116	6508	0.2561	0.2283
5101	0.5243	0.3380	6509	0.1312	0.1504
5102	1.0580	0.6467	6601	0.1340	0.1179
5103	0.7112	0.5788	6602	0.2956	0.2536
5106	0.4724	0.4337	6603	0.1705	0.1682
5108	0.5048	0.4819	6604	0.0516	0.0388
5109	0.4038	0.3466	6605	0.1397	0.1154
5201	0.2174	0.1977	6607	0.0938	0.1036
5204	1.2204	0.5559	6608	0.2029	0.1324
5206	0.2575	0.1824	6609	1.8442	1.8325
5207	0.0938	0.1036	6704	0.1184	0.1334
5208	0.7656	0.5861	6705	0.4350	0.5699
5209	0.4602	0.3797	6706	0.2053	0.2378
5301	0.0134	0.0159	6707	7.23*	10.45*
5305	0.0186	0.0186	6708	1.7123	2.3520
5306	0.0204	0.0180	6709	0.0841	0.1401
5307	0.2252	0.1791	6801	0.4489	0.2700
6103	0.0220	0.0349	6802	0.2679	0.2947
6104	0.1996	0.2080	6803	2.0026	0.6312
6105	0.1602	0.1293	6804	0.1686	0.1532
6107	0.0841	0.0885	6809	1.3283	2.5744
6108	0.3426	0.3091	6901	—	0.0661
6109	0.0238	0.0213	6902	0.5677	0.2322
6201	0.1021	0.1095	6903	3.2535	3.0083
6202	0.4358	0.3376	6904	0.1333	0.1094
6203	0.0742	0.0660	6905	0.1982	0.1650
6204	0.1007	0.1183	6906	—	0.1650
6205	0.1007	0.1183	6907	1.0018	0.6342
6206	0.1007	0.1183	6908	0.2090	0.1762
6207	0.6175	0.7049	6909	0.0428	0.0458
6208	0.1696	0.1762	7101	0.0239	0.0184
6209	0.1560	0.1850	7102	10.06*	24.77*
6301	0.0710	0.0576	7103	0.1380	0.1110
6302	0.1145	0.0935	<del>(7104</del>	<del>0.0358</del>	<del>0.0255</del>
6303	0.0326	0.0362	<del>7105</del>	<del>0.2377</del>	<del>0.1778</del>
6304	0.0872	0.0742	<del>7106</del>	<del>0.4797</del>	<del>0.3201</del>
6305	0.0348	0.0362	<del>7107</del>	<del>0.7376</del>	<del>0.7610</del>
6306	0.1652	0.1871	<del>7108</del>	<del>1.7767</del>	<del>1.1313</del>
6308	0.0288	0.0198	<del>7109</del>	<del>4.2958</del>	<del>3.3871</del>
6309	0.0612	0.0809	7104	0.0134	0.0159
6402	0.1529	0.1300	7105	0.0358	0.0255
6403	0.0840	0.1159	7106	0.1529	0.1300
6404	0.0578	0.0663	7107	0.1529	0.1300
6405	0.3563	0.3317	7108	0.1529	0.1300
6406	0.0449	0.0602	7109	0.2377	0.1778
6407	0.0915	0.1307	7110	0.2377	0.1778
6408	0.2142	0.2320	7111	0.2377	0.1778
6409	0.3339	0.2572	7112	0.4797	0.3201
6501	0.0317	0.0345	7113	0.4797	0.3201
6502	0.0123	0.0150	7114	0.4797	0.3201

Rates Effective  
January 1, 1988

Class	Accident Fund Base Rate	Medical Aid Fund Rate
7115	0.4797	0.3201
7116	0.4797	0.3201
7117	0.7376	0.7610
7118	1.7767	1.1313
7119	1.7767	1.1313
7120	4.2958	3.3871
7121	4.2958	3.3871
7201	0.2561	0.2077
7202	0.0307	0.0286
7203	0.0729	0.0674
7204		
7301	0.4411	0.3408
7302	0.3642	0.4448
7307	0.4545	0.5242
7308	0.1638	0.1453
7309	0.0841	0.1401

\*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-17-598 CLASSIFICATION 3606.

**WSR 88-12-051**

**ADOPTED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Order 5-88—Filed May 31, 1988—Eff. July 1, 1988]

I, Isiah Turner, commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to family independence program employment and training rules, new chapter 192-42 WAC.

This action is taken pursuant to Notice No. WSR 88-07-110 filed with the code reviser on March 23, 1988. These rules shall take effect at a later date, such date being July 1, 1988.

This rule is promulgated pursuant to chapter 74.21 RCW and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED May 31, 1988.

By Isiah Turner  
Commissioner

**NEW CHAPTER 192-42 WAC**

**FAMILY INDEPENDENCE PROGRAM  
EMPLOYMENT, TRAINING, AND EDUCATION  
RULES**

**NEW SECTION**

WAC 192-42-005 DURATION OF PROGRAM. Family Independence Program employment, training, and education rules will remain in effect as long as the state and federal governments continue the program. The program may be cancelled upon six months notice by either the state or federal government and may be cancelled with less or no notice with the agreement of both governments.

**NEW SECTION**

WAC 192-42-010 DEFINITIONS. The following definitions apply for this chapter and for Family Independence Program employment, training, and education functions in chapter 74.21 RCW. Throughout this chapter "FIP" means Family Independence Program.

(1) "Administrative review" means the informal appeal process available to enrollees who feel they are aggrieved by a decision of the department related to the employability plan.

(2) "Applicant" means any person or a member of a family unit who requests FIP cash assistance.

(3) "Appropriate plan" means an employability plan which is designed to lead to employment and self-sufficiency as determined by department staff.

(4) "Approved funding" means FIP resources allotted to fund employability plans determined by FIP staff as appropriate.

(5) "Assessment" means both a FIP orientation and an evaluation of the enrollee's readiness to pursue employment, education, or training and other services available to help the enrollee to achieve self-sufficiency. Normally, the orientation and the evaluation will each take one appointment.

(6) "Department" means the employment security department.

(7) "Dispute resolution" means the appeal process available to non-enrollees for resolving disagreements arising from employment of enrollees.

(8) "Employability plan" means the component of the self-sufficiency plan designed by the enrollee with the assistance of department staff which specifies the enrollee's employment goal and is signed by the enrollee.

(9) "Enrollee" means the head of household or family member of a family eligible to receive financial assistance or other services under the family independence program.

(10) "Fair hearing" means an administrative proceeding under chapter 34.04 RCW by which the office of administrative hearings hears and decides the appeal of an enrollee from an action or decision of the department.

(11) "Family independence program services" include job readiness programs, job development, employment, job search skills training, work programs, training, education, family planning services, development of mentor programs, income and medical support, parenting education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training in the management of finances and use of credit.

(12) "Job search skill training" means group or individual training that aids the enrollee to identify, acquire, and sustain employment.

(13) "Long-term education or training" means education or training, including degree programs, which exceeds nine months in duration.

(14) "On-the-job-training" means training provided by any employer who hires and then instructs the enrollee in the duties required of the enrollee at the work site. The employer pays the enrollee's wages, but will be reimbursed through a contract for the cost of employment training based on a percentage of the enrollee's gross salary, not to exceed fifty percent (50%).

(15) "Transitional employment" means fully subsidized employment.

(16) "Self-sufficiency plan" means a written agreement between the department of social and health services or the department and the enrollee that may include activities specifically undertaken for self support, and other items outlined in the employability plan or the social services plan.

(17) "Short-term education or training" means education or training which does not exceed nine months in duration.

(18) "Work experience" means unsalaried training in a supervised employment site which instructs the enrollee in essential work practices, as well as providing an opportunity for the exercise of skills specific to employment procedures.

#### NEW SECTION

WAC 192-42-020 FIP EMPLOYMENT AND TRAINING. (1) The department shall offer FIP orientation and assistance in completing the employability plan as well as, within available funding, employment and training services.

(2)(a) FIP orientation shall be made available to all applicants.

(b) All enrollees, except those who are exempt pursuant to RCW 74.21.080 (2)(d)(ii)-(vi), are required to participate in an orientation as a part of assessment.

(c) Orientation shall include as a minimum:

(i) An explanation of FIP benefits and services and enrollee responsibilities;

(ii) An explanation of how a person can be linked with employment and training activities;

(iii) Current local and statewide labor market information;

(iv) Information and referral to family opportunity councils; and

(v) Documentation of applicant/enrollee's attendance in the orientation.

#### NEW SECTION

WAC 192-42-030 EMPLOYABILITY PLAN. (1) Enrollees who seek to pursue employment, training, or education shall be offered an assessment of employment, training, and education opportunities, and the opportunity to develop an individual employability plan. Department staff shall assist the enrollee in developing the employability plan based on an evaluation of the enrollee's assessed competencies, interests, skills, and aptitudes.

(2) Department staff shall determine if the employability plan is appropriate considering the following criteria:

(a) The availability of suitable training activities to meet the enrollee's employment goal;

(b) The likelihood that the training goal leads to employment which meets the financial requirements for the family to become self-sufficient;

(c) The documentation of the enrollee's acceptance into education or training institutions, or other programs if applicable;

(d) The assessment and appraisal of competencies, previous education and training, local labor market information and local wage levels, enrollee skills, employment history, aptitudes, abilities, barriers, limitations, desires, and interests which indicate the enrollee can attain the employment goal; and

(e) Other factors which, in individual circumstances or conditions, demonstrate likelihood for successful completion of training.

(3) At any time during the FIP enrollment, the enrollee may request modification of the employability plan.

(4) Determination that an employability plan is appropriate does not guarantee that the employability plan will be funded.

#### NEW SECTION

WAC 192-42-040 JOB SEARCH ALLOWANCE. Enrollees who participate in the job search skills training or job search activities as a part of an appropriate employability plan may receive an allowance of up to thirty dollars (\$30) per month for a maximum of one hundred twenty dollars (\$120) in a consecutive twelve month (12) period. Enrollees are not eligible for FIP grant incentive benefits while receiving the job search allowance. Enrollees must meet the terms of the employability plan to receive the job search allowance.

#### NEW SECTION

WAC 192-42-050 FUNDING CRITERIA. (1) The following criteria will be used by the regional management committees to establish priorities for funding of appropriate training and education programs for enrollees:

(a) Training will be allocated among the following categories in order to ensure that training will be offered to a certain number of enrollees in each category:

(i) Job search skills training;

(ii) Short-term education or training; and

(iii) Long-term education or training.

(b) Normally, funds should not be used to replace existing funding resources;

(c) Emphasis shall be directed to supplementing education or skills training activities primarily funded through other sources and to funding job search skills training; and

(d) Consideration shall be given to local conditions that reflect the expectations of the educational, training and employer communities and the training priorities established by the private industry councils funded by the job training partnership act.

(2) Once an employability plan is deemed appropriate, the following criteria will be used to approve payment:

(a) That funds should be available to obligate for the length of the employability plan, subject to annual review;

(b) That the plan meets the priorities established by the regional management committee; and

(c) That within priorities, plans will be funded within available funds and in the order in which they are approved.

#### NEW SECTION

WAC 192-42-060 LABOR DISPUTE. RCW 74.21.120(3) provides that enrollees in subsidized and unsubsidized employment shall not continue participation at a place of employment that is involved in a strike, lockout, or other bona fide labor dispute.

(1) An enrollee who does not continue working at a place of employment that is involved in a strike, lockout, or other bona fide labor dispute has not voluntarily left work and is not participating in the strike, lockout, or bona fide labor dispute.

(2) An enrollee who continues working at a place of employment that is involved in a strike, lockout, or other bona fide labor dispute, is not eligible for FIP.

#### NEW SECTION

WAC 192-42-070 GRIEVANCE PROCEDURE AND APPEALS—ADMINISTRATIVE REVIEW. (1) An administrative review shall be available for those enrollees (per RCW 74.21.090(2)) who are dissatisfied with the decision of the department, within 10 calendar days of the decision of the department, for any of the following reasons:

(a) The appropriateness of the employability plan or plan modification;

(b) The disapproval of funding issued for a proposed employability plan or plan modification; or

(c) The removal of the job search allowance.

(2) An enrollee is not required to use the administrative review procedure prior to requesting a fair hearing.

(3) An enrollee using the administrative review hearing is not precluded from requesting a fair hearing.

(4) An enrollee using the administrative review procedure may request a fair hearing at any time during that procedure.

(5) A request for an administrative review must be submitted in writing to the local department staff within ten calendar days.

(6) The written administrative review decision shall be issued or mailed to the enrollee within a reasonable time period of the filing of the request.

(7) If an enrollee disagrees with the administrative review decision, the enrollee may file a request for a fair hearing in accordance with Chapters 34.12 and 34.04 RCW.

(8) To the extent permitted by the federal social security act as amended, the manner and conduct of hearings and administrative appeals concerning written determinations issued pursuant to this chapter shall be in accordance with hearings and administrative appeals held pursuant to the employment security act, Title 50 of the Revised Code of Washington.

#### NEW SECTION

WAC 192-42-080 DISPUTE RESOLUTION PROCESS. RCW 74.21.120(4) requires a dispute resolution process for resolving disagreements relating to that section or other employment sections of chapter 74.21 RCW.

(1) This process is to be used only by persons who are directly affected by the family independence program who are not enrollees, and who have disagreements relating to the employment sections of the family independence program.

(2) The following sections or paragraphs within sections of the Act relate to employment and will be covered by the dispute mechanisms:

(a) 74.21.030 (17) and (18) RCW;

(b) 74.21.070 (1)(o) RCW;

(c) 74.21.120 RCW; and

(d) 74.21.130 RCW.

(3) The department will accept a written complaint from an employee or former employee, or employer who feels harmed by a decision relating to sections:

(a) 74.21.030(17) RCW (definition of subsidized employment);

(b) 74.21.030(18) RCW (definition of unsubsidized employment);

(c) 74.21.070 (1)(o) RCW (Executive Committee's responsibilities (Subsidized Employment));

(d) 74.21.120 RCW (limitations subsidized and unsubsidized employment positions); or

(e) 74.21.130 RCW (compensation for enrollees).

(4) The complaints must be submitted to the department within 30 days of the date that the individual discovers or is informed of an alleged dispute.

(5) The department will investigate complaints or disputes. The assistant commissioner for FIP or a designee shall submit a finding and an order within 45 working days of receipt of the complaint or within 30 days of the end of the investigation, whichever is later.

(6) The order shall provide an opportunity for the employer or other persons or entities to rectify the situation and shall state the actions to be taken by the department, if any. The department's actions may include, but are not limited to, removing the enrollee from the place of employment, establishing an overpayment for the amount of the subsidy, removal of the employer from involvement in the program for a specified period of



time, or a prohibition of future referrals or placements with the employer.

(7) The order shall also include the effective date of implementation and methods for extending that date. At the discretion of the assistant commissioner, the order may be made effective the date of delivery or of mailing, be retroactive, or remedial in nature. An appeal of the decision does not in itself delay implementation of the order.

(8) Any party aggrieved by the decision of the assistant commissioner for FIP may request a hearing within 30 days of the finding or order. The hearing will be held pursuant to Chapters 34.04 and 34.12 RCW.

(9) Following the issuance of a decision by the office of administrative hearings, an aggrieved party may file a petition for review with the commissioner of employment security in accordance with chapter 50.32 RCW.

**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.

**WSR 88-12-052**  
**PROPOSED RULES**  
**HIGHER EDUCATION PERSONNEL BOARD**  
[Filed May 31, 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:

Amd WAC 251-08-100 Periodic increment date.  
Amd WAC 251-04-040 Exemptions.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 6, 1988.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 1988.

Dated: May 31, 1988  
By: John A. Spitz  
Director

**STATEMENT OF PURPOSE**

This statement is related to the notice filed with the code reviser on May 31, 1988, and is filed pursuant to RCW 34.04.025.

**Description of Purpose:** These revisions are corrections to reflect board actions taken at the December 4, 1987, Higher Education Personnel Board meeting. The previous filing contained language which was not adopted by the board.

**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 251-04-040 General provisions.

**Summary of Rule:** This deletion will correct previous filing error in the rule.

**Title:** WAC 251-08-100 Periodic increment date.

**Summary of Rule:** This deletion will correct previous filing error in the rule.

**Reasons Supporting Proposed Action:** To correct the rules affected by previous incorrect filing.

**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, 234-3730 scan or (206) 753-3730.

**Person or Organization Proposing Rule, and Whether Public, Private or Governmental:** Higher Education Personnel Board staff, 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 164, filed 12/30/87, effective 2/1/88)

WAC 251-08-100 PERIODIC INCREMENT DATE. (1) For purposes of payment of periodic increment increases, the effective date shall be determined as follows:

(a) The first of the current month for actions occurring between the first and the fifteenth of the month; or

(b) The first of the following month for actions occurring between the sixteenth and the end of the month.

(2) The periodic increment date of new employees or probationary employees who are reappointed to a new class during the probationary period shall be established:

(a) Upon completion of six months in the class for those appointed at the first step in the salary range [~~Probationary period employees on leave of absence without pay per the provisions of WAC 251-22-165(5) will have their periodic increment dates extended by one month which exceeds ten working days in any calendar month, or exceeds ten consecutive working days~~]; or

(b) Upon completion of twelve months in the class for those appointed at a salary step above the first step in the salary range.

(3) The periodic increment date of all employees shall be changed as follows:

(a) Upon promotion, the existing periodic increment date will be eliminated and a new date established to be effective upon completion of the trial service period;

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment date will be eliminated and a new date established as provided in subsection (2) of this section;

(c) Upon reallocation under WAC 251-06-080 (1)(a) of an employee who is at the top step of the current salary range, the employee will be given a new periodic increment date which will be six months following the reallocation action;

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-165(5), 251-22-180, and 251-19-130;

(e) When employees return from layoff status, the date will be reestablished and extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff;

(f) When a cyclic year position leave of absence without pay exceeds ninety calendar days, the periodic increment date shall be extended on a month-for-month basis. Provisions of (d) of this subsection shall apply to that period exceeding the ninety calendar days. Cyclic year position employees serving a probationary or trial service period will have their periodic increment dates extended by an amount of time equal to the period in which the employee is on leave of absence without pay;

(g) When employees are reverted from trial service following promotion (or return from alternate appointment), the periodic increment date held prior to promotion or layoff will be reestablished;

(h) When the board or the director order remedial action per WAC 251-12-600, the periodic increment date may be modified as part of the order.

(4) The periodic increment date of all employees shall remain unchanged for all other actions including, but not limited to, transfer within class, appointment to another class with the same or lower salary range maximum, and reallocations except as provided in subsection (3)(c) of this section.

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-19-160.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 164, filed 12/30/87, effective 2/1/88)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Provided further that the hour limitation shall not apply to student employees who were hired before July 20, 1984, with an understanding of working more than the stated number of hours monthly, and also with an understanding of such employment continuing for the duration of their education. However, this exception shall apply only to students who are continuously enrolled and shall not extend beyond September 1, 1988. Students covered by this exception shall be identified to the director;

(c) Are employed in a position directly related to their major field of study to provide training opportunity; or

(d) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

(5) Persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule.

(6) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-01-415.

(7) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(8) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(9) The personnel director of the higher education personnel board and his confidential secretary.

(10) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research

activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(11) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(12) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion [~~unless dismissed for just cause~~] to the [first vacancy occurring in the] highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(13) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 88-12-053**

**ADOPTED RULES**

**PUBLIC EMPLOYMENT  
RELATIONS COMMISSION**

[Order 88-01—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to amending WAC 391-08-120.

This action is taken pursuant to Notice No. WSR 88-07-079 filed with the code reviser on March 21, 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 28B.52-.080, 41.58.050, 41.56.090 and 41.59.110 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 May 31, 1988.

By Marvin L. Schurke  
Executive Director

**AMENDATORY SECTION** (Amending Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-120 SERVICE OF PROCESS—FILING AND SERVICE OF PAPERS. (1) All notices, pleadings, and other papers filed with the agency or the presiding officer shall be served upon all counsel and

representatives of record and upon parties not represented by counsel or upon their agents designated by them or by law.

(2) Service shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail, or by telegraph.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed, and by telegraph when deposited with a telegraph company properly addressed and with charges prepaid.

(4) Papers required to be filed with the agency or with the presiding officer shall be deemed filed upon actual receipt during office hours at:

(a) The Olympia office of the commission for any papers required to be filed with the commission, the executive director, or the agency generally; or

(b) Any office of the agency or of the presiding officer for any papers required to be filed with the presiding officer.

(5) Where proof of service is required by statute or rule, filing the papers with the presiding officer, together with either an acknowledgment of service or the following certificate shall constitute proof of service:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

Dated at . . . . . this ... day of . . . . ., 19....  
(signature)"

**WSR 88-12-054**  
**ADOPTED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Order 88-02—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to amending WAC 391-25-090, 391-25-110, 391-25-190, 391-25-290, 391-25-390 and 391-25-470; and new WAC 391-25-140.

This action is taken pursuant to Notice No. WSR 88-07-080 filed with the code reviser on March 21, 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 28B.52-.080, 41.58.050, 41.56.090 and 41.59.110 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 May 31, 1988.

By Marvin L. Schurke  
Executive Director

AMENDATORY SECTION (Amending Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-090 CONTENTS OF PETITION FILED BY EMPLOYER. Each petition filed by an employer shall contain all of the information required by WAC 391-25-070, except for that required by WAC 391-25-070(4)((-)), and shall conform to the following additional requirements:

(1) Each petition filed by an employer shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive representative of the employees in the bargaining unit described in the petition.

(2) WAC 391-25-110 shall not be applicable to such petitions.

(3) Where the status of an incumbent exclusive bargaining representative is questioned, the employer shall attach such affidavits and other documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees. To constitute a basis for a good faith doubt under this paragraph, signature documents provided to the employer by employees must be in a form which would qualify as supporting evidence under WAC 391-25-110 if filed by the employees directly with the commission.

AMENDATORY SECTION (Amending Order 81-01, filed 1/6/81)

WAC 391-25-110 SUPPORTING EVIDENCE. The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards applicable to the petition, and must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the filing of such evidence with the agency, whichever is later.

NEW SECTION

WAC 391-25-140 NOTICE TO EMPLOYEES. The employer shall post a notice to employees, in the form specified by the commission, advising of the existence of proceedings under this chapter. The agency shall furnish the employer with copies of such notice, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted.

AMENDATORY SECTION (Amending Order 81-01, filed 1/6/81)

WAC 391-25-190 INTERVENTION—BY ORGANIZATION OTHER THAN INCUMBENT. An

organization not covered by WAC 391-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the motion for intervention or the filing of such evidence with the agency, whichever is later. The showing of interest shall be made confidentially to the agency at or before the time the motion for intervention is made: PROVIDED, HOWEVER, That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the agency may impose to avoid undue delay of the proceedings. No motion for intervention shall be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross-check agreement.

**AMENDATORY SECTION** (Amending Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-290 NOTICE OF HEARING. After a petition has been filed, if it appears to the executive director that there is reasonable cause to believe that a question concerning representation exists, there shall be issued and served on the employer and on all organizations listed in the petition and on any organization having theretofore intervened, a notice of hearing before a hearing officer at a time and place fixed therein. ~~((The agency shall furnish the employer with copies of such notice, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted.))~~ Any such notice of hearing may be amended or withdrawn before the close of the hearing.

**AMENDATORY SECTION** (Amending Resolution No. 85-01, filed 9/16/85)

WAC 391-25-390 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR. The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter. Unless otherwise provided in a direction of election, the cut-off date for eligibility to vote in an election shall be the date of issuance of the

direction of election. Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues. Such actions shall be subject to review by the commission only as follows:

(1) Except for rulings as to whether the employer is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

(2) An order of dismissal shall be subject to review by the commission on its own motion or at the request of any party made within twenty days following the date of the order. Briefs or written arguments shall be submitted as provided in WAC 391-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the executive director shall have the same force and effect as if issued by the commission.

**AMENDATORY SECTION** (Amending Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-470 ELECTIONEERING. (1) Employers and organizations are prohibited from making election speeches on the employer's time to massed assemblies of employees:

(a) Within twenty-four hours before the scheduled time for the opening of the polls for an election conducted under "in person" voting procedures; or

(b) Within the period beginning with the issuance of ballots to employees for an election conducted under "mail ballot" voting procedures and the tally of ballots.

(2) There shall be no electioneering at or about the polling place during the hours of voting.

Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

**WSR 88-12-055**  
**ADOPTED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Order 88-08—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to amending WAC 391-55-002, 391-55-400, 391-55-410, 391-55-415, 391-55-420, 391-55-425, 391-55-430, 391-55-435, 391-55-440, 391-55-445, 391-55-450 and 391-55-455; repealing WAC 391-55-033 and 391-55-505; and new WAC 391-55-071.

This action is taken pursuant to Notice No. WSR 88-07-083 filed with the code reviser on March 21, 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 28B.52-.080, 41.58.050, 41.56.090 and 41.59.110 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 May 31, 1988.

By Marvin L. Schurke  
Executive Director

AMENDATORY SECTION (Amending Order 83-05, filed 12/1/83, effective 1/1/84)

WAC 391-55-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. Special provisions required for conformity with a particular statute are set forth in separate rules numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW, ~~((f))~~port employees (Employment relations—Collective bargaining and arbitration), are set forth in WAC sections numbered one digit greater than the general rule on that subject matter and in ~~((a))~~ subchapters of rules as follows:

(a) Special provisions relating to interest arbitration for uniformed personnel within the meaning of RCW 41.56.030(7) are set forth beginning with WAC 391-55-200; and

(b) Special provisions relating to fact finding for state patrol personnel within the meaning of RCW 41.56.020 are set forth beginning with WAC ~~((391-55-200))~~ 391-55-400.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-300.

~~(((3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-400.))~~

#### NEW SECTION

WAC 391-55-071 SPECIAL PROVISION—STATE PATROL PERSONNEL. In the case of mediation involving state patrol personnel as defined in RCW 41.56.020, the mediator shall not consider wage or wage-related matters.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-400 ~~((ACADEMIC EMPLOYEES))~~ STATE PATROL PERSONNEL—FACT FINDING. ~~((If a dispute involving academic employees within the meaning of RCW 28B.52.020 has not been settled after a reasonable period of mediation, either~~

~~party may request the appointment of a fact finder by giving written notice to the commission, the mediator, and the opposite party.))~~ (1) If a dispute involving state patrol personnel as defined in RCW 41.56.020 is not resolved after a reasonable period of mediation, either party, upon written notice to the other party, to the mediator, and to the commission, may request that unresolved matters be submitted to a fact finder for recommendations.

(2) In the event that the executive director determines that the parties remain at impasse after a reasonable period of negotiation and mediation, and after consultation with the assigned mediator, the executive director shall initiate fact finding proceedings.

(3) The fact finder may only consider those issues that are certified by the executive director for fact finding proceedings.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-410 ~~((ACADEMIC EMPLOYEES))~~ STATE PATROL PERSONNEL—SELECTION OF FACT FINDER. ~~((Upon receipt of a unilateral request for fact finding, the executive director shall determine the position of the party other than the party making the request. If both parties concur in the initiation of fact finding, the executive director shall furnish the parties a list of five members of the dispute resolution panel. The parties shall meet to attempt to select a fact finder. If the parties agree on a fact finder, they shall obtain a commitment to serve and shall notify the executive director of the identity of the fact finder so selected. If the parties are unable to agree on a fact finder, they shall notify the executive director, who shall designate a fact finder from the dispute resolution panel. The parties are not entitled to influence the designation of a fact finder and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the fact finder to be appointed by the commission.))~~ Upon the filing of a timely request for fact finding, the executive director shall furnish the parties a list of five members of the dispute resolution panel from which the parties will be invited to exercise their right under RCW 41.56.475. Within seven days following receipt of the list, the parties shall meet to attempt to select a fact finder. If the parties agree on a fact finder, they shall obtain a commitment to serve and shall notify the executive director of the identity of the fact finder so selected. If the parties are unable to agree on a fact finder, they shall notify the executive director, who shall designate a fact finder from the dispute resolution panel. The parties are not entitled to influence the designation of a fact finder and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the fact finder to be appointed by the commission.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-415 ~~((ACADEMIC EMPLOYEES))~~ STATE PATROL PERSONNEL—CONDUCT

OF FACT FINDING PROCEEDINGS. Proceedings shall be conducted as provided in WAC 391-55-400 through 391-55-455. The fact finder shall interpret and apply these rules insofar as they relate to the powers and duties of the fact finder. Any party who proceeds with fact finding after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-420 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—SUBMISSION OF PROPOSALS FOR FACT FINDING. At least seven days before the date of the hearing, each party shall submit to the fact finder and to the other party written proposals on all of the issues it intends to submit to fact finding.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-425 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—FACT FINDING HEARING. The fact finder shall establish a date, time, and place for a hearing. The fact finding hearing shall be open to the public unless otherwise agreed by the parties. For good cause shown, the fact finder may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-430 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—ORDER OF PROCEEDINGS AND EVIDENCE. The order of presentation at the hearing shall be as agreed by the parties or as determined by the fact finder. The fact finder shall be the judge of the relevancy of the evidence. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. Each documentary exhibit shall be filed with the fact finder and copies shall be provided to the other parties. The exhibits shall be retained by the fact finder until an agreement has been signed, after which they may be disposed of as agreed by the parties or as ordered by the fact finder.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-435 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—FACT FINDING IN THE ABSENCE OF A PARTY. The fact finder may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Fact finders shall treat any subject on which one party has taken a position that it is not a mandatory subject for bargaining in accordance with this rule. Findings of fact and recommendations shall

not be made solely on the default of a party, and the fact finder shall require the participating party to submit such evidence as may be required for making of the findings of fact and recommendations.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-440 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—CLOSING OF FACT FINDING HEARINGS. The fact finder shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of briefs within agreed time limits.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-445 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—FINDINGS OF FACT AND RECOMMENDATIONS. The findings of fact and recommendations of the fact finder shall not be subject to review by the commission. Fact finders shall rule only on the reasonability of the proposals advanced in the context of the whole of the negotiations between the parties and shall not rule on whether or not a subject or proposal in dispute is a mandatory subject for collective bargaining.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-450 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—RESPONSIBILITY OF PARTIES AFTER FACT FINDING. Not more than seven days after the findings and recommendations have been issued, the parties shall notify the commission and each other whether they accept the recommendations of the fact finder. If the recommendations of the fact finder are rejected by one or both parties and their further efforts do not result in an agreement, either party may request mediation pursuant to chapter 41.58 RCW and, upon the concurrence of the other party, the executive director shall assign a mediator.

AMENDATORY SECTION (Amending Order 83-05, filed 12/1/83, effective 1/1/84)

WAC 391-55-455 ((~~ACADEMIC EMPLOYEES~~)) STATE PATROL PERSONNEL—EXPENSES OF FACT FINDING. Each party shall pay the expenses of presenting its own case. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expenses of a fact finder shall be paid by the parties equally.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 391-55-033 SPECIAL PROVISION—ACADEMIC EMPLOYEES.

WAC 391-55-505 MARINE EMPLOYEES—REFERRAL FOR MEDIATION.

**WSR 88-12-056**  
**ADOPTED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Order 88-05—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to repealing WAC 391-45-013; and new WAC 391-45-260.

This action is taken pursuant to Notice No. WSR 88-07-082 filed with the code reviser on March 21, 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 28B.52-.080, 41.58.050, 41.56.090 and 41.59.110 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 May 31, 1988.

By Marvin L. Schurke  
 Executive Director

NEW SECTION

WAC 391-45-260 SETTLEMENT CONFERENCE. Prior to hearing, the parties may be requested to participate in a settlement conference conducted by a member of the commission staff other than the assigned examiner. During the course of a settlement conference, the parties will be encouraged, on factual and legal grounds including precedent on the particular subject, to resolve the unfair labor practice dispute. Participation in the settlement conference is voluntary, and the refusal of a party to participate shall not prejudice the nonparticipating party in any manner.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-45-013 SPECIAL PROVISION—ACADEMIC EMPLOYEES.

**WSR 88-12-057**  
**ADOPTED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Order 88-09—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to amending WAC 391-65-050; and repealing WAC 391-65-074 and 391-65-094.

This action is taken pursuant to Notice No. WSR 88-07-084 filed with the code reviser on March 21, 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 28B.52-.080, 41.58.050, 41.56.090 and 41.59.110 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 May 31, 1988.

By Marvin L. Schurke  
 Executive Director

AMENDATORY SECTION (Amending Order 80-9, filed 9/30/80, effective 11/1/80)

WAC 391-65-050 GRIEVANCE ARBITRATION—CONTENTS OF REQUEST. Each request for appointment of a grievance arbitrator shall contain:

(1) The name, address and telephone number of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining.

(2) The name, address and telephone number of the exclusive representative and the name, address and telephone number of its principal representative.

(3) Identification of the request as: (a) A request for appointment of a member of the agency staff as arbitrator; or (b) ~~((a request for arbitration of a grievance dispute arising under chapter 47.64 RCW; or (c)))~~ a request for the submission of a list of names from the dispute resolution panel created by WAC 391-55-110.

(4) A description of the grievances or issues to be submitted to arbitration and the number of employees affected thereby.

(5) The agreement of the requesting party, or the parties jointly, that there will be no strike or lockout on any matter submitted to arbitration.

(6) The agreement of the requesting party, or the parties jointly, that the arbitration award be final and binding upon the parties.

(7) The signature(s) and, if any, title(s) of the representative(s) of the requesting party (parties).

**WSR 88-12-058**  
**ADOPTED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Order 88-10—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to amending WAC 391-95-010, 391-95-030 and 391-95-230.

This action is taken pursuant to Notice No. WSR 88-07-085 filed with the code reviser on March 21, 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 28B.52-.080, 41.58.050, 41.56.090 and 41.59.110 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 May 31, 1988.

By Marvin L. Schurke  
Executive Director

AMENDATORY SECTION (Amending Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-010 UNION SECURITY—OBLIGATION OF EXCLUSIVE BARGAINING REPRESENTATIVE. An exclusive bargaining representative which desires to enforce a union security provision contained in a collective bargaining agreement negotiated under the provisions of chapter 28B.52, 41.56, or 41.59 RCW shall provide each affected employee with a copy of the collective bargaining agreement containing the union security provision and shall specifically advise each employee of his or her obligation under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

AMENDATORY SECTION (Amending Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-030 UNION SECURITY—ASSERTION OF RIGHT OF NONASSOCIATION. An employee who (~~pursuant to RCW 41.56.122(1) or 41.59.100;~~) asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall notify the exclusive bargaining representative, in writing, of the claim of a right of nonassociation and shall, at the same time, provide the exclusive bargaining representative with the name(s) and address(es) of one or more nonreligious charitable organizations to which the employee is prepared to make alternative payments in lieu of the payments required by the union security provision.

AMENDATORY SECTION (Amending Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-230 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments. The employee has the burden to make a factual showing, through testimony of witnesses and/or documentary evidence, of the legitimacy of his or her beliefs, as follows:

(1) In cases where the claim of a right of nonassociation is based on the teachings of a church or religious body, the claimant employee must demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the objection is based on a bona fide religious teaching of a church or religious body; and

(c) That the claimant employee is a member of such church or religious body.

(2) In cases where the claim of a right of nonassociation is based on personally held religious beliefs, the claimant employee must demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the religious nature of the objection is genuine and in good faith.

**WSR 88-12-059**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—May 31, 1988]

Board of Trustees  
Special Meeting  
Wednesday, June 1, 1988  
Guilios Restaurant  
Lynnwood, Washington

**WSR 88-12-060**  
**ADOPTED RULES**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**  
[Order 88-5—Filed May 31, 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 98504, the annexed rules relating to:

- Amd WAC 326-20-080 Factors considered in determining control.
- Amd WAC 326-02-030 Definitions.

This action is taken pursuant to Notice No. WSR 88-09-060 filed with the code reviser on April 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 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 May 31, 1988.

By Ralph C. Ruff  
Director

AMENDATORY SECTION (Amending Order 87-6, filed 8/27/87)

WAC 326-20-080 FACTORS CONSIDERED IN DETERMINING CONTROL. Whether a minority or woman owner meets the ((fifty-one percent)) control requirement as defined in WAC 326-02-030(29) is determined on an application-by-application basis. Factors which may be considered in determining whether the minority or woman owner meets the control requirement include, but are not limited to, the following:

(1) Authority and restrictions as indicated in the articles of incorporation, bylaws, partnership agreements and/or other business agreements and documents;

(2) The financial interest and/or participation in any other business by any owner or key personnel;

(3) Past and current employment history of minority and women owners involved in the business;

(4) Members of the board of directors and corporate officers;

(5) Experience, training, and expertise of any owners;

(6) Recent changes in ownership and/or control of the business;

(7) Financial obligation to and capital contributions from nonowners of the business; and

(8) Documentation indicating who has ultimate authority to make policy and management decisions and to legally obligate the business.

(9) Control of a corporate-sponsored dealership will be evaluated using the standards set out in WAC 326-02-030(28).

AMENDATORY SECTION (Amending Order 88-4, filed 4/1/88)

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 include, but are not limited to, the following:

(i) Whether the business is or will be responsible for executing a distinct element of work 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) 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 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 configuration of those goods or materials; or

(ii) Is the manufacturer of those goods or materials; or

(iii) 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 legitimately 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 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, alterations,

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 legitimately 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 simply 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.

"Legitimately owned and controlled" for the purposes of determining whether a business is a minority business enterprise, a women's business enterprise, or a combination thereof, shall mean that women, minorities or a combination thereof shall possess:

(1) Ownership of at least fifty-one percent interest in the business, unless the minority and/or women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28). The ownership shall be real and continuing, and shall go beyond the pro forma ownership of the business reflected in the ownership documents. The minority and/or women owner(s) shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance and the form of the arrangements; and

(2) Control over management, interest in capital, interest in profit or loss and contributions to capital, equipment and expertise on which the claim of minority and/or women-owned status under this chapter is based. The minority and/or women owner(s) must possess and exercise the legal power to direct the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy, finances, and overall operations. If the owners of the business who are not minorities and/or women are disproportionately responsible for the operation of the business, then the business is not controlled by minorities and/or women. The minority and/or women owner(s) must control and manage the day to day operations of the business. The requirements of this shall not apply, if the minority/women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28).

**Reviser's note:** The spelling 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.

**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 88-12-061**  
**ADOPTED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Order 88-03—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to new WAC 391-35-020.

This action is taken pursuant to Notice No. WSR 88-07-081 filed with the code reviser on March 21, 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 28B.52-.080, 41.58.050, 41.56.090 and 41.59.110 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 May 31, 1988.

By Marvin L. Schurke  
Executive Director

#### NEW SECTION

WAC 391-35-020 PETITION—TIME FOR FILING. (1) Disputes concerning status as a "confidential employee" may be filed at any time.

(2) Except as provided in subsection (1) of this section, where there is a valid written and signed collective bargaining agreement in effect, a petition for clarification of the covered bargaining unit will be considered timely only if:

(a) The petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the collective bargaining agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class; or

(b) The petitioner can demonstrate that, although it signed the current collective bargaining agreement covering the position or class at issue in the unit clarification proceedings, (i) it put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class via the unit clarification procedure, and (ii) it filed the petition for clarification of the existing bargaining unit prior to signing the current collective bargaining agreement.

**WSR 88-12-062**  
**EMERGENCY RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Order 88-04—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to repealing WAC 391-45-013.

We, the Public Employment Relations 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 existing rule conflicts with chapter 28B.52 RCW, as amended by chapter 314, Laws of 1987.

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

This rule is promulgated pursuant to RCW 28B.52-.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 May 31, 1988.

By Marvin L. Schurke  
Executive Director

#### REPEALER

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

**WAC 391-45-013 SPECIAL PROVISION—ACADEMIC EMPLOYEES.**

**WSR 88-12-063**  
**EMERGENCY RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Order 88-06—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to repealing WAC 391-55-033.

We, the Public Employment Relations 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 existing rule conflicts with chapter 28B.52 RCW, as amended by chapter 314, Laws of 1987.

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

This rule is promulgated pursuant to RCW 28B.52-.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 May 31, 1988.

By Marvin L. Schurke  
Executive Director

#### REPEALER

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

**WAC 391-55-033 SPECIAL PROVISION—ACADEMIC EMPLOYEES.**

**WSR 88-12-064**  
**EMERGENCY RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Order 88-07—Filed May 31, 1988]

Be it resolved by the Public Employment Relations Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to new WAC 391-55-071.

We, the Public Employment Relations 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 existing rule does not impose limitation on scope of mediation required by section 3, chapter 135, Law of 1987 and RCW 41.56.475.

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

This rule is promulgated pursuant to RCW 41.56.475 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 May 31, 1988.

By Marvin L. Schurke  
 Executive Director

**NEW SECTION**

**WAC 391-55-071 SPECIAL PROVISION—STATE PATROL PERSONNEL.** *In the case of mediation involving state patrol personnel as defined in RCW 41.56.020, the mediator shall not consider wage or wage-related matters.*

**WSR 88-12-065**  
**ADOPTED RULES**  
**DEPARTMENT OF LABOR AND INDUSTRIES**  
 [Order 88-05—Filed May 31, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of rules, definitions, and risk classification language contained in chapter 296-17 WAC, applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries, and specifically the amendment to a general reporting rule by adding a new subsection which governs assumed hourly reporting for the horse racing industry, modifications to two existing classifications, and the establishment of four new risk classification definitions, all applicable to the horse racing industry of Washington,

including corresponding base rates and expected losses for the new classifications.

This action is taken pursuant to Notice No. WSR 88-06-076 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 51.16.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 31, 1988.

By Joseph A. Dear  
 Director

**AMENDATORY SECTION** (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

**WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS.** A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) Excluded employments. Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation as provided in subsection (6) of this section.

(4) Commission personnel. Commission personnel are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered. Commission personnel are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-

time employment, or not less than 40 worker hours per week for full-time employment: PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: PROVIDED, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. Employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: PROVIDED FURTHER, That if the employer maintains books and records to show separately the hours employed for each worker in their employ engaged in piece work then such actual worker hours shall be reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: PROVIDED, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: PROVIDED, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: PROVIDED FURTHER, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

(10) Licensed trainers—parimutuel racing. All trainers which come under the jurisdiction of the Washington horse racing commission and who become licensed subject to the Washington horse racing commission's rules and regulations who employ workers shall pay a minimum premium of one hundred dollars annually to the department which shall be in addition to a per start rate established for the various parimutuel tracks state-wide. The minimum premium shall be calculated using twenty assumed worker hours and be reported in classification 6613. For the purpose of premium calculation report assumed worker hours based upon ten hours for each start.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-731 CLASSIFICATION 6609.

~~((Stables, stablemen and exercise boys~~

~~Riding academics or clubs~~

~~Jockeys, horseshoeing and horse training, N.O.C.)) Parimutuel horse race tracks with an average daily attendance of six thousand or more. This classification is limited in scope to employees of trainers who come under the jurisdiction of the Washington horse racing commission and who become licensed subject to the Washington horse racing commission's rules and regulations. This classification covers all on or off track employments of employers subject to this classification including off season or prerace training activities. This classification includes such employments as assistant trainers, grooms, stable hands, and exercise riders. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer outside of scheduled race meets. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.~~

NEW SECTION

WAC 296-17-73101 CLASSIFICATION 6610.

Parimutuel horse race tracks with an average daily attendance of more than three thousand but less than six thousand. This classification is limited in scope to employees of trainers who come under the jurisdiction of the Washington horse racing commission and who become licensed subject to the Washington horse racing commission's rules and regulations. This classification covers all on or off track employments of employers subject to this classification including off season or prerace training activities. This classification



includes such employments as assistant trainers, grooms, stable hands, and exercise riders. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer outside of scheduled race meets. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.

**NEW SECTION**

WAC 296-17-73102 CLASSIFICATION 6611.

Parimutuel horse race tracks with an average daily attendance of three thousand or less. This classification is limited in scope to employees of trainers who come under the jurisdiction of the Washington horse racing commission and who become licensed subject to the Washington horse racing commission's rules and regulations. This classification covers all on or off track employments of employers subject to this classification including off season or prerace training activities. This classification includes such employments as assistant trainers, grooms, stable hands, and exercise riders. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer outside of scheduled race meets. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.

**NEW SECTION**

WAC 296-17-73103 CLASSIFICATION 6612.

Parimutuel horse race tracks operated in connection with a local fair or celebration or at a bush track. This classification is limited in scope to employees of trainers who come under the jurisdiction of the Washington horse racing commission and who become licensed subject to the Washington horse racing commission's rules and regulations. This classification covers all on or off track employments of employers subject to this classification including off season or prerace training activities. This classification includes such employments as assistant trainers, grooms, stable hands, and exercise riders. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer outside of scheduled race meets. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.

**NEW SECTION**

WAC 296-17-73104 CLASSIFICATION 6613.

Parimutuel horse race activities, N.O.C. excluding jockeys. This classification is limited to activities where a licensed public trainer has no starts but engages workers and for the reporting of the annual minimum premium.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-773 CLASSIFICATION 7302.

Livestock farms

((~~Sheep or goat raising~~)) Riding academies

This classification includes all farm operations related and incidental to the enterprises described above and applies to all acreage devoted to the raising of these animals.

**AMENDATORY SECTION** (Amending Order 87-33, filed 3/1/88)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios  
Expected Loss Rates in Dollars Per Worker Hour  
for Indicated Fiscal Year

CLASS	1984	1985	1986	D-RATIO
0101	.5803	.4838	.5320	.390
0102	.4740	.3952	.4399	.432
0103	.6007	.5008	.5518	.397
0104	.5279	.4398	.4713	.302
0105	.5420	.4517	.4963	.387
0106	.8235	.6863	.7496	.367
0107	.4513	.3763	.4173	.419
0108	.5497	.4582	.5027	.383
0109	1.0331	.8607	.9325	.339
0201	.9062	.7551	.8217	.354
0202	1.1731	.9772	1.0523	.318
0206	.6926	.5770	.6237	.331
0301	.2715	.2265	.2564	.490
0302	.8296	.6915	.7604	.390
0306	.3974	.3314	.3660	.405
0307	.2914	.2429	.2674	.394
0401	1.5975	1.3318	1.4687	.400
0402	.6692	.5578	.6132	.389
0403	.6839	.5698	.6164	.334
0502	.5524	.4604	.5044	.378
0503	.4900	.4083	.4489	.389
0504	.5610	.4678	.5211	.434
0505	.7702	.6420	.7070	.395
0506	1.1163	.9308	1.0372	.435
0507	1.2804	1.0674	1.1771	.400
0508	.9951	.8293	.9048	.363
0509	.9853	.8208	.8836	.317
0510	.5965	.4974	.5509	.415
0511	.4964	.4138	.4538	.380
0512	.6435	.5366	.5977	.434
0513	.4576	.3815	.4197	.392
0601	.1919	.1600	.1780	.430
0602	.2119	.1766	.1946	.394
0603	.3072	.2560	.2802	.374
0604	.6993	.5828	.6376	.372
0606	.1089	.0908	.1010	.427
0607	.1194	.0997	.1103	.417
0608	.1417	.1181	.1314	.428
0701	.7020	.5850	.6356	.349
0803	.1724	.1437	.1575	.380
0804	.2614	.2179	.2397	.391
0901	1.0690	.8909	.9711	.360

CLASS	1984	1985	1986	D-RATIO	CLASS	1984	1985	1986	D-RATIO
0902	.3152	.3236	.3005	.355	3403	.0604	.0503	.0560	.429
1002	.4847	.4041	.4502	.435	3404	.1851	.1544	.1725	.446
1003	.2714	.2263	.2507	.415	3405	.0965	.0805	.0896	.430
1004	.2714	.2263	.2507	.415	3406	.0844	.0704	.0785	.437
1005	2.0768	1.7317	1.9259	.429	3407	.1438	.1200	.1318	.390
1007	.0681	.0568	.0642	.483	3408	.0504	.0421	.0463	.397
1101	.2084	.1737	.1934	.432	3409	.0718	.0599	.0667	.431
1102	.6498	.5415	.5921	.370	3501	.3035	.2531	.2816	.431
1103	.1722	.1436	.1608	.452	3503	.1428	.1192	.1351	.493
1104	.2363	.1972	.2209	.454	3505	.2506	.2575	.2380	.399
1106	.0620	.0517	.0588	.510	3506	.3118	.2600	.2859	.391
1108	.2002	.1669	.1861	.438	3508	.2131	.1777	.1984	.442
1109	.4480	.3735	.4118	.400	3601	.0451	.0463	.0426	.439
1301	.1139	.0950	.1055	.424	3602	.0337	.0281	.0317	.483
1303	.0855	.0713	.0796	.441	3603	.2915	.2431	.2729	.461
1304	.0063	.0053	.0059	.486	3604	.4778	.3982	.4370	.383
1305	.1360	.1135	.1269	.449	3605	.1690	.1409	.1570	.435
1401	.4934	.4114	.4551	.410	3606	.2975	.2481	.2788	.464
1404	.2649	.2208	.2437	.403	3701	.1274	.1062	.1167	.389
1405	.2496	.2082	.2318	.435	3702	.2026	.1689	.1859	.395
1501	.1648	.1374	.1516	.402	3706	.1006	.1034	.0957	.388
1507	.1151	.0959	.1059	.406	3707	.1827	.1525	.1719	.477
1701	.8909	.7422	.8026	.333	3708	.1142	.0952	.1060	.433
1702	.8909	.7422	.8026	.333	3801	.1056	.0881	.0974	.411
1703	.2483	.2070	.2292	.413	3802	.0624	.0520	.0592	.503
1704	.3623	.3021	.3314	.382	3803	.0828	.0852	.0784	.450
1801	.3972	.3311	.3662	.410	3805	.0828	.0852	.0784	.450
1802	.1975	.1647	.1821	.410	3806	.0828	.0852	.0784	.450
2002	.2977	.2482	.2772	.443	3808	.1043	.0870	.0981	.479
2003	.2184	.1823	.2040	.451	3809	.1043	.1072	.0988	.441
2004	.3612	.3011	.3342	.421	3901	.0804	.0672	.0747	.433
2005	.1404	.1171	.1313	.458	3902	.2239	.1868	.2087	.445
2007	.1541	.1284	.1413	.393	3903	.4345	.3622	.4019	.420
2008	.1276	.1064	.1176	.409	3904	.3126	.3211	.2969	.403
2101	.2453	.2046	.2288	.448	3905	.0539	.0449	.0507	.479
2102	.2184	.1823	.2040	.451	3906	.2154	.1796	.2001	.434
2104	.1237	.1032	.1166	.481	3909	.0981	.0819	.0932	.507
2105	.2500	.2084	.2297	.398	4002	.2659	.2218	.2473	.437
2201	.1122	.0936	.1049	.460	4101	.0629	.0525	.0590	.462
2202	.1913	.1596	.1777	.435	4103	.1427	.1191	.1337	.461
2203	.1166	.0972	.1094	.468	4104	.0651	.0669	.0617	.439
2401	.2386	.1989	.2218	.437	4107	.0348	.0289	.0324	.450
2903	.2705	.2257	.2544	.477	4108	.0629	.0525	.0590	.462
2904	.3397	.2832	.3162	.443	4109	.0629	.0525	.0590	.462
2905	.2705	.2257	.2544	.477	4201	.1955	.1630	.1801	.406
2906	.2492	.2078	.2333	.460	4301	.3830	.3195	.3616	.490
2907	.2783	.2320	.2585	.435	4302	.3259	.2718	.3038	.448
2908	.4495	.3749	.4164	.425	4303	.4078	.3401	.3799	.445
2909	.2748	.2292	.2580	.472	4304	.2550	.2127	.2377	.446
3101	.2966	.2473	.2718	.388	4305	.5704	.4755	.5242	.398
3102	.2096	.1747	.1935	.414	4401	.1801	.1502	.1682	.453
3103	.2096	.1747	.1935	.414	4402	.2801	.2335	.2582	.408
3104	.2149	.1791	.1972	.392	4404	.2184	.1823	.2040	.451
3105	.3122	.2605	.2951	.493	4501	.0658	.0548	.0597	.357
3301	.3784	.3157	.3563	.480	4502	.0154	.0128	.0141	.395
3302	.3017	.2516	.2787	.415	4503	.0311	.0319	.0294	.426
3303	.1178	.0981	.1086	.412	4504	.0268	.0223	.0249	.455
3309	.1831	.1527	.1685	.405	4601	.2208	.1840	.1991	.335
3401	.1710	.1425	.1576	.409	4802	.1507	.1257	.1405	.447
3402	.1441	.1203	.1342	.442	4803	.1659	.1384	.1548	.448

CLASS	1984	1985	1986	D-RATIO	CLASS	1984	1985	1986	D-RATIO
4804	.2488	.2075	.2338	.473	6304	.0556	.0463	.0511	.400
4805	.1670	.1393	.1567	.467	6305	.0220	.0184	.0204	.434
4806	.0370	.0309	.0349	.476	6306	.1049	.0875	.0968	.412
4807	.7395	.6164	.6775	.389	6307	.0381	.0390	.0361	.455
4808	.1743	.1453	.1627	.452	6308	.0185	.0153	.0168	.372
4809	.0921	.0769	.0863	.463	6309	.0383	.0320	.0361	.477
4810	.0610	.0509	.0569	.448	6401	.0381	.0390	.0361	.455
4811	.1431	.1193	.1319	.410	6402	.0963	.0803	.0899	.454
4812	.1420	.1184	.1324	.447	6403	.0525	.0437	.0496	.494
4901	.0241	.0201	.0221	.401	6404	.0363	.0303	.0340	.466
4902	.0241	.0201	.0225	.455	6405	.2267	.1889	.2087	.405
4903	.0241	.0201	.0221	.401	6406	.0282	.0235	.0265	.467
4904	.0063	.0053	.0059	.486	6407	.0573	.0478	.0540	.475
4905	.1182	.0987	.1114	.483	6408	.1369	.1141	.1252	.383
4906	.0212	.0176	.0197	.438	6409	.2140	.1784	.1950	.369
4907	.0429	.0357	.0397	.425	6501	.0199	.0165	.0188	.487
4908	.0442	.0368	.0409	.429	6502	.0078	.0065	.0072	.437
4909	.0442	.0368	.0409	.429	6503	.0531	.0443	.0471	.280
5001	1.7685	1.4740	1.6135	.374	6504	.1006	.0840	.0959	.521
5002	.2176	.1815	.2046	.475	6505	.0744	.0620	.0697	.466
5003	.7879	.6565	.7122	.344	6506	.0232	.0193	.0215	.416
5004	.6529	.5447	.6174	.495	6507	.1502	.1545	.1424	.429
5101	.3329	.2775	.3075	.416	6508	.1608	.1341	.1509	.469
5102	.6769	.5641	.6182	.378	6509	.0822	.0686	.0774	.479
5103	.4539	.3783	.4161	.390	6601	.0845	.0705	.0788	.445
5104	.2871	.2950	.2731	.388	6602	.1856	.1548	.1743	.469
5106	.3007	.2507	.2767	.403	6603	.1072	.0894	.1004	.463
5107	.1997	.2050	.1896	.405	6604	.0326	.0272	.0303	.434
5108	.3199	.2668	.2962	.423	6605	.0878	.0732	.0823	.463
5109	.2578	.2150	.2361	.387	6607	.0586	.0489	.0554	.487
5201	.1379	.1150	.1275	.419	6608	.1287	.1073	.1191	.419
5204	.7658	.6389	.7194	.472	6609	1.1543	.9630	1.0884	.485
5205	.3717	.3818	.3540	.368	6610	1.1543	.9630	1.0884	.485
5206	.1653	.1378	.1503	.363	6611	1.1543	.9630	1.0884	.485
5207	.0586	.0489	.0554	.487	6612	1.1543	.9630	1.0884	.485
5208	.4858	.4050	.4492	.419	6613	1.1543	.9630	1.0884	.485
5209	.2895	.2414	.2710	.461	6704	.0750	.0625	.0695	.425
5301	.0085	.0071	.0079	.388	6705	.2719	.2267	.2569	.493
5305	.0118	.0098	.0109	.420	6706	.1300	.1084	.1206	.429
5306	.0130	.0108	.0120	.428	6707	4.4696*	3.7304*	4.2872*	.542
5307	.1428	.1191	.1322	.420	6708	1.0774	.8986	1.0082	.459
6103	.0138	.0116	.0130	.455	6709	.0527	.0439	.0497	.485
6104	.1262	.1052	.1174	.438	6801	.2842	.2370	.2636	.429
6105	.1006	.0839	.0945	.469	6802	.1696	.1414	.1573	.430
6106	.1066	.1095	.1011	.416	6803	1.3181	1.0974	1.1547	.241
6107	.0537	.0448	.0492	.388	6804	.1083	.0903	.0984	.361
6108	.2139	.1785	.2024	.497	6809	.8277	.6906	.7855	.507
6109	.0150	.0125	.0139	.454	6902	.3661	.3051	.3306	.339
6201	.0647	.0539	.0599	.427	6903	2.1082	1.7562	1.8900	.316
6202	.2763	.2303	.2558	.423	6904	.0849	.0707	.0781	.400
6203	.0471	.0393	.0435	.418	6905	.1266	.1056	.1159	.385
6204	.0633	.0528	.0594	.466	6907	.6353	.5297	.5878	.421
6205	.0633	.0528	.0594	.466	6908	.1327	.1107	.1225	.416
6206	.0633	.0528	.0594	.466	6909	.0270	.0226	.0252	.444
6207	.3875	.3232	.3641	.473	7101	.0152	.0126	.0140	.411
6208	.1078	.0898	.0994	.411	7102	6.3040*	5.2584*	5.9344*	.479
6209	.0983	.0819	.0918	.456	7103	.0877	.0731	.0809	.413
6301	.0451	.0376	.0417	.413	7104	.0228	.0190	.0211	.418
6302	.0727	.0606	.0672	.417	7105	.1496	.1248	.1399	.458
6303	.0208	.0174	.0190	.374	7106	.3030	.2526	.2820	.441

CLASS	1984	1985	1986	D-RATIO	Rates Effective January 1, 1988	
					Accident Fund Base Rate	Medical Aid Fund Rate
7107	.4663	.3889	.4333	.435		
7108	1.1194	.9336	1.0455	.453		
7109	2.7203	2.2683	2.5221	.428		
7201	.1601	.1337	.1512	.489		
7202	.0197	.0164	.0179	.369		
7203	.0462	.0385	.0428	.421		
7301	.2783	.2321	.2595	.446		
7302	.2286	.1907	.2146	.471		
7307	.2822	.2355	.2692	.524		
7308	.1038	.0865	.0962	.429		
7309	.0527	.0439	.0497	.485		

\*Daily expected loss rate

**AMENDATORY SECTION** (Amending Order 87-33, filed 3/1/88)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Class	Rates Effective January 1, 1988	
	Accident Fund Base Rate	Medical Aid Fund Rate
0601	0.3032	0.2940
0602	0.3324	0.2134
0603	0.4796	0.3725
0604	1.0917	0.8333
0606	0.1720	0.1876
0607	0.1882	0.1689
0608	0.2237	0.2465
0701	1.0907	0.5786
0803	0.2696	0.2100
0804	0.4096	0.2921
0901	1.6647	0.6481
1002	0.7664	0.6163
1003	0.4275	0.2857
1004	0.4275	0.2857
1005	3.2801	1.6494
1007	0.1088	0.1180
1101	0.3293	0.3204
1102	1.0140	0.5206
1103	0.2733	0.2864
1104	0.3753	0.3178
1106	0.0995	0.1326
1108	0.3168	0.3430
1109	0.7033	0.5388
1301	0.1798	0.1549
1303	0.1354	0.1153
1304	0.0101	0.0128
1305	0.2157	0.2320
1401	0.7764	0.9738
1404	0.4160	0.2512
1405	0.3947	0.2382
1501	0.2589	0.1825
1507	0.1809	0.1746
1701	1.3795	0.5348
1702	1.3795	0.5348
1703	0.3909	0.2264
1704	0.5669	0.3559
1801	0.6248	0.5719
1802	0.2942	0.2410
2002	0.4715	0.3381
2003	0.3466	0.2702
2004	0.5695	0.4361
2005	0.2231	0.2250
2007	0.2415	0.2310
2008	0.2007	0.1545
2101	0.3889	0.4256
2102	0.3466	0.2702
2104	0.1976	0.1930
2105	0.3923	0.2455
2201	0.1783	0.1435
2202	0.3025	0.2907
2203	0.1856	0.1782
2401	0.3774	0.3303
2903	0.4314	0.4122
2904	0.5379	0.4367

Rates Effective  
January 1, 1988Rates Effective  
January 1, 1988

Class	Rates Effective January 1, 1988		Class	Rates Effective January 1, 1988	
	Accident Fund Base Rate	Medical Aid Fund Rate		Accident Fund Base Rate	Medical Aid Fund Rate
2905	0.4314	0.4122	4304	0.4043	0.4078
2906	0.3962	0.3008	4305	0.8952	0.5884
2907	0.4401	0.4205	4401	0.2858	0.2607
2908	0.7094	0.4791	4402	0.4405	0.3243
2909	0.4378	0.4183	4404	0.3466	0.2702
3101	0.4645	0.2845	4501	0.1023	0.0777
3102	0.3300	0.2285	4502	0.0242	0.0227
3103	0.3300	0.2285	4504	0.0425	0.0628
3104	0.3369	0.3727	4601	0.3420	0.4517
3105	0.4996	0.4441	4802	0.2389	0.1661
3301	0.6040	0.4112	4803	0.2631	0.2007
3302	0.4752	0.3445	4804	0.3964	0.3012
3303	0.1853	0.2097	4805	0.2659	0.2263
3309	0.2878	0.3378	4806	0.0591	0.0519
3401	0.2690	0.2367	4808	0.2766	0.2719
3402	0.2283	0.2720	4809	0.1466	0.1650
3403	0.0954	0.0875	4810	0.0967	0.0795
3404	0.2934	0.3018	4811	0.2251	0.1886
3405	0.1526	0.1498	4812	0.2252	0.1559
3406	0.1336	0.1620	4901	0.0378	0.0334
3407	0.2254	0.1803	4902	0.0382	0.0355
3408	0.0792	0.0740	4903	0.0378	0.0334
3409	0.1135	0.1938	4904	0.0101	0.0128
3501	0.4795	0.4461	4905	0.1888	0.2007
3503	0.2287	0.1924	4906	0.0335	0.0359
3506	0.4887	0.3374	4907	0.0677	0.0584
3508	0.3376	0.3028	4908	0.0697	0.1381
3602	0.0537	0.0658	4909	0.0697	0.1381
3603	0.4635	0.4092	5001	2.7621	1.6466
3604	0.7475	0.5585	5002	0.3469	0.2895
3605	0.2673	0.2392	5003	1.2227	0.6197
3606	0.4732	0.4000	5004	1.0452	0.8116
3701	0.1996	0.1877	5101	0.5243	0.3380
3702	0.3177	0.2172	5102	1.0580	0.6467
3707	0.2914	0.2234	5103	0.7112	0.5788
3708	0.1805	0.1733	5106	0.4724	0.4337
3801	0.1662	0.1518	5108	0.5048	0.4819
3802	0.1000	0.0949	5109	0.4038	0.3466
3808	0.1664	0.1419	5201	0.2174	0.1977
3901	0.1272	0.1146	5204	1.2204	0.5559
3902	0.3549	0.3015	5206	0.2575	0.1824
3903	0.6850	0.7125	5207	0.0938	0.1036
3905	0.0860	0.1281	5208	0.7656	0.5861
3906	0.3405	0.2243	5209	0.4602	0.3797
3909	0.1575	0.1585	5301	0.0134	0.0159
4002	0.4207	0.3189	5305	0.0186	0.0186
4101	0.1000	0.1122	5306	0.0204	0.0180
4103	0.2269	0.2329	5307	0.2252	0.1791
4107	0.0551	0.0614	6103	0.0220	0.0349
4108	0.1000	0.1122	6104	0.1996	0.2080
4109	0.1000	0.1122	6105	0.1602	0.1293
4201	0.3074	0.2155	6107	0.0841	0.0885
4301	0.6125	0.5421	6108	0.3426	0.3091
4302	0.5166	0.4488	6109	0.0238	0.0213

Rates Effective January 1, 1988			Rates Effective January 1, 1988		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
6201	0.1021	0.1095	6803	2.0026	0.6312
6202	0.4358	0.3376	6804	0.1686	0.1532
6203	0.0742	0.0660	6809	1.3283	2.5744
6204	0.1007	0.1183	6901	—	0.0661
6205	0.1007	0.1183	6902	0.5677	0.2322
6206	0.1007	0.1183	6903	3.2535	3.0083
6207	0.6175	0.7049	6904	0.1333	0.1094
6208	0.1696	0.1762	6905	0.1982	0.1650
6209	0.1560	0.1850	6906	—	0.1650
6301	0.0710	0.0576	6907	1.0018	0.6342
6302	0.1145	0.0935	6908	0.2090	0.1762
6303	0.0326	0.0362	6909	0.0428	0.0458
6304	0.0872	0.0742	7101	0.0239	0.0184
6305	0.0348	0.0362	7102	10.06*	24.77*
6306	0.1652	0.1871	7103	0.1380	0.1110
6308	0.0288	0.0198	7104	0.0358	0.0255
6309	0.0612	0.0809	7105	0.2377	0.1778
6402	0.1529	0.1300	7106	0.4797	0.3201
6403	0.0840	0.1159	7107	0.7376	0.7610
6404	0.0578	0.0663	7108	1.7767	1.1313
6405	0.3563	0.3317	7109	4.2958	3.3871
6406	0.0449	0.0602	7201	0.2561	0.2077
6407	0.0915	0.1307	7202	0.0307	0.0286
6408	0.2142	0.2320	7203	0.0729	0.0674
6409	0.3339	0.2572	7204	—	—
6501	0.0317	0.0345	7301	0.4411	0.3408
6502	0.0123	0.0150	7302	0.3642	0.4448
6503	0.0814	0.0463	7307	0.4545	0.5242
6504	0.1620	0.2603	7308	0.1638	0.1453
6505	0.1183	0.1349	7309	0.0841	0.1401
6506	0.0365	0.0407			
6508	0.2561	0.2283			
6509	0.1312	0.1504			
6601	0.1340	0.1179			
6602	0.2956	0.2536			
6603	0.1705	0.1682			
6604	0.0516	0.0388			
6605	0.1397	0.1154			
6607	0.0938	0.1036			
6608	0.2029	0.1324			
<del>6609</del>	<del>1.8442</del>	<del>1.8325</del>			
6609	2.7402	2.7228			
6610	1.1853	1.1777			
6611	.7338	.7292			
6612	.3827	.3803			
6613	2.4884	2.4746			
6704	0.1184	0.1334			
6705	0.4350	0.5699			
6706	0.2053	0.2378			
6707	7.23*	10.45*			
6708	1.7123	2.3520			
6709	0.0841	0.1401			
6801	0.4489	0.2700			
6802	0.2679	0.2947			

\*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

**WSR 88-12-066**  
**PROPOSED RULES**  
**PARKS AND RECREATION COMMISSION**  
 [Filed May 31, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning applicability of standard fees to volunteers in parks, WAC 352-32-285; that the agency will at 9:00 a.m., Friday, July 15, 1988, in Fort Worden State Park, USO Building, Port Townsend, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 12, 1988.

Dated: May 31, 1988

By: Mike Reed  
Executive Assistant

#### STATEMENT OF PURPOSE

Title: WAC 352-32-285 Applicability of standard fees to volunteers in parks.

Description of Purpose: To allow volunteers to vary their daily work period and still receive credit for waiver of camping fees; to avoid excess accumulation of volunteer time to be applied for waiver of camping fee; and to limit waiver of camping fee locational applicability.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Volunteers may have camping fees waived under a series of conditions, including the following: At least four hours of service daily or twenty-eight hours of service weekly, spread over at least five days, are performed; equivalent prorated services - for fee waiver exchanges are authorized; volunteer service hours cannot be carried forward to subsequent weeks for credit; and fee waiver applies only in parks where services are performed.

Reasons Supporting Proposed Action: Many volunteers prefer some flexibility in their volunteer work periods, and the agency wishes to accommodate this preference, while assuring that equivalent levels of service are provided; and efficient administration of this program requires limitations on locational and carry-forward provisions of fee-waiver offerings.

Agency Personnel Responsible for Drafting: Mike Reed, Executive Assistant, 7150 Cleanwater Lane, Olympia 98504; Implementation and Enforcement: Lynn Genasci, Assistant Director, Operations, 7150 Cleanwater Lane, Olympia 98504.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: [No information supplied by agency]

Federal Law/Court Action: [No information supplied by agency]

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

WAC 352-32-285 APPLICABILITY OF STANDARD FEES TO VOLUNTEERS IN PARKS. The standard fees set forth in WAC 352-32-250 and 352-12-020 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The park manager has determined that the personal service is desirable;

(2) ~~((At least four hours of service per day are performed for each campsite or boat moorage occupied;~~

~~((3))~~ The service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

~~((4))~~ (3) The service performed is not one commonly performed by members of an organized trade union;

~~((5))~~ (4) The service performed does not result in any type of development which will necessarily create future operating costs to the commission;

(5) The volunteer shall perform personal services under the following provisions.

(a) At least four hours of service are provided per day; alternatively

(b) At least twenty-eight hours of service are provided per seven-day week, spread over at least five days.

(c) If more than four hours, but less than twenty-eight hours of volunteer service are provided during a seven-day week, a prorated waiver of fees equivalent to (b) of this subsection may be offered by the park manager.

(d) Volunteer time accumulated may not be carried forward for credit in subsequent weeks.

(e) The waiver of standard fees shall apply only at the park where such personal services were performed.

The limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section. Continuous occupancy of facilities by the same person or persons qualifying under this section shall be limited to ~~((30))~~ thirty consecutive nights, unless otherwise approved by the director or designee.

This section does not expand or limit the provisions of RCW 43.51-.130 ~~((=))~~ through 43.51.160.

#### WSR 88-12-067

#### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Filed May 31, 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 definitions, amending WAC 173-14-030;

that the agency will at 1:00 p.m., Wednesday, July 20, 1988, in Room 273, Abbott Raphael Hall, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 6, 1988.

The authority under which these rules are proposed is RCW 98.58.200 [90.58.200].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 27, 1988.

Dated: May 31, 1988

By: Christine Gregoire  
Director

#### STATEMENT OF PURPOSE

Title: Amending WAC 173-14-030 Definitions.

Description of Purpose: Amendment of WAC 173-14-030.

Statutory Authority: RCW 9.58.200 [90.58.200].

Summary of Rule: The amendment changes the definition of "conditional use."

Reasons to Support Proposed Action: As a result of the Clam Shack decision, the definition of "conditional use" in WAC 173-14-030 needs to be changed to eliminate criteria now applicable to substantial development permits only.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathleen Ryan, (206) 459-6776, WDOE, Mailstop PV-11, Olympia, WA 98504.

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: Amendment is required for consistency with *Clam Shacks of America v. Skagit County*, 45 Wash. App. 346, 725 P2d 459 (1986).

Small Business Economic Impact Statement: Not applicable.

**AMENDATORY SECTION** (Amending Order 86-06, filed 5/23/86)

WAC 173-14-030 DEFINITIONS. The following definitions shall apply:

(1) "Act" means chapter 286, Laws of 1971 ex. sess., chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government;

(3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: PROVIDED, That in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure;

(4) "Conditional use" means a use or development which is classified as a conditional use or is not classified within the applicable master program (~~and development exceeds two thousand five hundred dollars in total cost or fair market value or materially interferes with the normal public use of the water or shorelines of the state~~);

(5) "Department" means the department of ecology;

(6) "Exempt" developments are those set forth in WAC 173-14-040 which do not meet the definition of substantial development under RCW 90.58.030 (3)(e);

(7) "Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project;

(8) "Final order" includes the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115;

(9) "Height" is measured from average grade level to the highest point of a structure: PROVIDED, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines, or the applicable master program provides otherwise: PROVIDED FURTHER, That temporary construction equipment is excluded in this calculation;

(10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

(12) "Party of record" includes all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-14-070;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined

together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the department's final order is certified for mailing or, for hand-delivered items, is the date of receipt at the destination; and

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

(19) The definitions and concepts set forth in RCW 90.58.030 also apply as used herein.

**WSR 88-12-068**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Filed May 31, 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 Normandy Park, city of, WAC 173-19-2516;

that the agency will at 7:30 p.m., Monday, July 25, 1988, in the Gym at Mar Vista School, Normandy Park, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 6, 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 August 1, 1988.

Dated: May 31, 1988

By: Christine Gregoire  
Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-2516 Normandy Park, city of.

Description of Purpose: Adoption of revised shoreline master program into state master program (chapter 173-19 WAC).

Statutory Authority: RCW 90.58.120 and 90.58.200 [90.58.200].

Summary of Rule: The amendment adopts revisions of the shoreline master program for the city of Normandy Park.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter C. Skowlund, (206) 438-7430, WDOE, Mailstop PV-11, Olympia, WA 98504.



Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency]

Small Business Economic Impact Statement: Not applicable.

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2516 NORMANDY PARK, CITY OF. City of Normandy Park master program approved April 5, 1974. Revision approved September 6, 1988.

**WSR 88-12-069**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed May 31, 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 San Juan County, amending WAC 173-19-360;

that the agency will at 1:00 p.m., Wednesday, July 20, 1988, in Room 273, Abbott Raphael Hall, St. Martin's College Campus, Lacey Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 6, 1988.

The authority under which these rules are proposed is RCW 98.58.120 [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 July 27, 1988.

Dated: May 31, 1988

By: Christine Gregoire  
 Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-360 San Juan County.

Description of Purpose: Adoption of revised shoreline master program into state master program (chapter 173-19 WAC).

Statutory Authority: RCW 90.58.120 and 9.58.200 [90.58.200].

Summary of Rule: The amendment adopts revisions of the shoreline master program for San Juan County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Wenger, (206) 438-6767, WDOE, Mailstop PV-11, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency]

Small Business Economic Impact Statement: Not applicable.

**AMENDATORY SECTION** (Amendatory Order DE 84-36, filed 10/31/84)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984. Revision approved September 6, 1988.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 88-12-070**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 88-18—Filed June 1, 1988]

1, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Olympia, WA, the annexed rules relating to establishment of a financial assistance program to provide grants to local governments for vehicle tire recycling and removal programs pursuant to RCW 70.95.530.

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 immediate financial assistance for local governments is required to address uncontrolled and dangerous vehicle tire dumps at various locations in the state.

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

This rule is promulgated pursuant to RCW 70.95.260 which directs that the Department of Ecology has authority to implement the provisions of RCW 70.95.530.

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 May 31, 1988.

By Phillip C. Johnson  
 Deputy Director

**CHAPTER 173-335 WAC  
VEHICLE TIRE RECYCLING AND REMOVAL  
GRANT REGULATION**

**NEW SECTION**

**WAC 173-335-010 PURPOSE AND AUTHORITY** The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of a vehicle tire recycling and removal program pursuant to RCW 70.95.530. The Department shall provide grants to local government for:

- (1) Removal of discarded vehicle tires from unauthorized dump sites;
- (2) Programs and projects that encourage storage, proper disposal, and recycling of discarded vehicle tires, and to stimulate private recycling programs throughout the state.

This chapter is designed to provide assistance to local governments in carrying out these vital functions pursuant to Chapter 70.95 RCW.

**NEW SECTION**

**WAC 173-335-020 DEFINITIONS** (1) "Department" means the Washington State Department of Ecology.

(2) "Local governments" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

**NEW SECTION**

**WAC 173-335-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES**

(1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

**NEW SECTION**

**WAC 173-335-040 GENERAL** (1) The obligation of the Department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonable foreseeable by the Department rendering performance impossible. When the grant crosses over bienniums, the obligation of the Department is contingent upon the allotment of funds during the next biennium.

(2) All grants under this chapter shall be consistent with the provisions of "Financial Guidelines for Grants Management," WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

**NEW SECTION**

**WAC 173-335-050 ADMINISTRATION** (1) Application for funds shall be made on forms provided by

the Department and shall include detailed information specified in a guidance document also provided by the Department. Application information shall include a confirmation of eligibility and a description of the program and budget.

(2) Applicant Eligibility

(a) Applicant must be a local government.

(b) Applicant must have, be processing, or have scheduled an update for a local solid waste management plan.

(3) Eligible Project Costs

Direct costs related to vehicle tire recycling and removal.

(4) Matching Requirements

Grants will be made up to seventy-five percent (75%) of the total eligible project costs.

(5) Criteria for Allocation of Funds

Grants are to be awarded on a competitive basis. Applications will be evaluated on the following criteria:

(a) Number of illegally disposed tires;

(b) Solid waste management priorities of Chapter 70.95 RCW;

(c) Solid waste plan which involves tires;

(d) Local tire ordinance;

(e) Generation of information;

(f) Innovation.

**WSR 88-12-071**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Filed June 1, 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 establishment of a financial assistance program to provide grants to local governments for vehicle tire recycling and removal programs pursuant to RCW 70.95.530;

that the agency will at 11 a.m. - noon (questions and answers) and at 1:30 p.m. (hearing), Thursday, July 7, 1988, in the Energy Facility Site Evaluation Council Hearing Room, 4224 Sixth Avenue S.E., Building #1, Lacey, WA 98503, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 2, 1988.

The authority under which these rules are proposed is RCW 70.95.260.

The specific statute these rules are intended to implement is RCW 70.95.530.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 15, 1988.

Dated: May 31, 1988  
By: Phillip C. Johnson  
Deputy Director

## STATEMENT OF PURPOSE

Title: Chapter 173-335 WAC, Tire recycling and removal financial assistance program.

Description of Purpose: To provide grant assistance to local governments for the conduct of vehicle tire recycling and removal programs.

Statutory Authority: RCW 70.95.530.

Summary of Rule: The purpose of this rule is to establish a financial assistance program to local governments for: Removal of discarded vehicle tires from unauthorized dump sites; and programs and projects that encourage storage, proper disposal, and recycling of discarded vehicle tires, and to stimulate private recycling programs throughout the state.

Reasons Supporting Proposed Action: Requirement of RCW 70.95.530.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Swenson, Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711, (206) 438-7474.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

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

SEPA Compliance: It is determined that the writing and adoption of rules for the tire recycling and removal financial assistance program is exempt under SEPA pursuant to WAC 197-11-800 (16) and (20).

#### Summary Statement for Proposed Chapter 173-335 WAC

The Department of Ecology proposes a financial assistance program to distribute funds to local governments for the conduct of vehicle tire recycling and removal programs pursuant to RCW 70.95.530.

The department shall provide grants to local governments for: Removal of discarded vehicle tires from unauthorized dump sites; and programs and projects that encourage storage, proper disposal, and recycling of discarded vehicle tires, and to stimulate private recycling programs throughout the state.

#### Economic Impact Statement for Proposed Chapter 173-335 WAC

This proposed regulation has been reviewed to determine its impact upon the economy of the state of Washington, as required by chapter 43.21H RCW (the State Economic Policy Act). Conclusions of this review are: This regulation is being proposed for adoption in order to make funds available to local governments for the conduct of vehicle tire recycling and removal programs pursuant to RCW 70.95.530. The language in the proposed regulation does not exceed the intent of the legislature; the actions proposed by this regulation apply only to local government private business does not appear to suffer any adverse impact; and those local governments able to comply with the provisions of this regulation will be eligible for financial assistance.

The proposed regulation does not impact any adverse effects upon the economy of the state of Washington.

#### Small Business Economic Impact Statement for Proposed Chapter 173-335 WAC

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries, or more than 10 percent of the business in any one industry, be reviewed and altered to minimize their impact upon small businesses. The regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are:

This regulation is proposed for adoption in order to make funds available to local governments to conduct vehicle tire recycling and removal programs pursuant to RCW 70.95.530.

It is our determination that the proposed regulations, which establish procedures for providing grants to local government, do not impose a direct impact on small businesses. There is the possibility that a positive indirect impact might be shared among firms/companies through contracting with public entities.

It appears that the Regulatory Fairness Act does not apply in this case.

#### CHAPTER 173-335 WAC VEHICLE TIRE RECYCLING AND REMOVAL GRANT REGULATION

##### NEW SECTION

WAC 173-335-010 PURPOSE AND AUTHORITY The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of a vehicle tire recycling and removal program pursuant to RCW 70.95.530. The Department shall provide grants to local government for:

(1) Removal of discarded vehicle tires from unauthorized dump sites;

(2) Programs and projects that encourage storage, proper disposal, and recycling of discarded vehicle tires, and to stimulate private recycling programs throughout the state.

This chapter is designed to provide assistance to local governments in carrying out these vital functions pursuant to Chapter 70.95 RCW.

##### NEW SECTION

WAC 173-335-020 DEFINITIONS (1) "Department" means the Washington State Department of Ecology.

(2) "Local governments" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

##### NEW SECTION

WAC 173-335-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES (1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

##### NEW SECTION

WAC 173-335-040 GENERAL (1) The obligation of the Department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonable foreseeable by the Department rendering performance impossible. When the grant crosses over bienniums, the

obligation of the Department is contingent upon the allotment of funds during the next biennium.

(2) All grants under this chapter shall be consistent with the provisions of "Financial Guidelines for Grants Management," WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

#### NEW SECTION

WAC 173-335-050 ADMINISTRATION (1) Application for funds shall be made on forms provided by the Department and shall include detailed information specified in a guidance document also provided by the Department. Application information shall include a confirmation of eligibility and a description of the program and budget.

(2) Applicant Eligibility

(a) Applicant must be a local government.  
(b) Applicant must have, be processing, or have scheduled an update for a local solid waste management plan.

(3) Eligible Project Costs

Direct costs related to vehicle tire recycling and removal.

(4) Matching Requirements

Grants will be made up to seventy-five percent (75%) of the total eligible project costs.

(5) Criteria for Allocation of Funds

Grants are to be awarded on a competitive basis. Applications will be evaluated on the following criteria:

- (a) Number of illegally disposed tires;
- (b) Solid waste management priorities of Chapter 70.95 RCW;
- (c) Solid waste plan which involves tires;
- (d) Local tire ordinance;
- (e) Generation of information;
- (f) Innovation.

### **WSR 88-12-072**

#### **PROPOSED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Filed June 1, 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 establishment of a solid waste enforcement grant program for FY 1987-89 to provide solid waste enforcement grants to local jurisdictional health departments from the local toxics control account, under the Hazardous Waste Cleanup Act, chapter 70.105B RCW;

that the agency will at 11:00 a.m. - noon (questions and answers) and at 1:30 p.m. (hearing), Thursday, July 7, 1988, in the Energy Facility Site Evaluation Council Hearing Room, Rowsix, Building #1, 4224 Sixth Avenue, Lacey, WA, conduct a public hearing on the proposed rules.

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 RCW 70.105B.220 and 70.95.220.

The specific statute these rules are intended to implement is RCW 70.105B.220 and 70.95.220.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 15, 1988.

Dated: May 24, 1988  
By: Phillip C. Johnson  
Deputy Director

#### STATEMENT OF PURPOSE

Title: Chapter 173-306 WAC, Local solid waste enforcement grant regulation.

Description of Purpose: To provide grant assistance for inspection of solid waste sites and facilities, including landfills.

Statutory Authority: RCW 70.105B.220.

Summary of Rule: The purpose of this rule is to establish a financial assistance program for FY 1987-89 to provide grants to local jurisdiction health departments using funds apportioned from the local toxics control account of the Hazardous Waste Cleanup Act. Grants will be made for the following purpose: Inspection activities involving sites or facilities engaged in solid waste handling or disposal conducted under existing solid waste statutes.

Reasons Supporting Proposed Action: Requirement of Hazardous Waste Cleanup Act, RCW 70.105B.220.

Agency Personnel Responsible for Drafting: Peter Haskin, Mailstop PV-11, Olympia, WA 98504-8711, (206) 459-6292; Implementation and Enforcement: Dan Swenson, Mailstop PV-11, Olympia, WA 98504-8711, (206) 438-7474.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

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

SEPA Compliance: It is determined that the writing and adoption of rules for the local solid waste enforcement grant program from the local toxics control account under the Hazardous Waste Cleanup Act (chapter 70.105B RCW) is exempt under WAC 197-11-800 (16) and (20) of SEPA.

#### Summary Statement of Proposed Chapter 173-306 WAC

The Department of Ecology proposes and enforcement grant program to distribute funds allocated from the local toxics control account of the Hazardous Waste Cleanup Act for FY 87-89. Consistent with chapter 70.105B RCW, financial assistance is provided to local jurisdictional health departments for enforcement of rules and regulations promulgated under the Solid Waste Management-Recovery and Recycling Act (chapter 70.95 RCW). Chapter 70.105B RCW recognizes the importance of strong preventative solid waste programs to alleviate future problems and is designed to assist local health departments in carrying out this vital function.

The local solid waste enforcement grant program will provide financial assistance to local health departments in the form of grants. The grant application period will run from July 1, 1988, to August 15, 1988. The grant program will be in effect through June 30, 1989, which marks the end of both the biennium and the appropriation. The department intends to adopt the regulation implementing this grant program by August 2, 1988.

Continuance of this program beyond June 30, 1989, depends upon legislative appropriation.

**Economic Impact Statement for Proposed Chapter 173-306 WAC**

This proposed regulation has been reviewed to determine its impact upon the economy of the state of Washington, as required by chapter 43.21H RCW (the State Economic Policy Act), conclusions of that review are: This regulation is being proposed for adoption in order to make funds available to local health departments for enforcement activities. These funds were made available by the Washington state legislature in the 1987 third special session in ESB 6085. In addition, this proposed regulation implements RCW 70.95.220. I believe the language of the proposed regulation does not go beyond the intent of the legislature; the actions proposed by this regulation apply only to public entities, not to private business, and do not appear to have any adverse affect on the private sector; and those public entities able to comply with the provisions of this regulation will be eligible for financial assistance for enforcement of rules and regulations promulgated under chapter 70.95 RCW (Solid waste management—Recovery and recycling).

In conclusion, this proposed regulation does not appear to impose any adverse effects upon the economy of the state of Washington.

**Small Business Economic Impact Statement Chapter 173-306 WAC**

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the business in any one industry be reviewed and altered to minimize their impact upon small businesses. This regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are:

This regulation is proposed for adoption in order to make funds available to local jurisdictional health departments for enforcement activities. These funds were provided by the Washington state legislature during the 1987 third special session in ESB 6085. In addition, this regulation implements the provisions of RCW 70.95.220. The provisions of this regulation apply only to public entities, as opposed to private businesses, whether large or small. It appears, therefore, that the Regulatory Fairness Act does not apply in this case.

**Chapter 173-306 WAC**

**LOCAL SOLID WASTE ENFORCEMENT GRANT REGULATION**

**NEW SECTION**

WAC 173-306-010 INTRODUCTION RCW 70.95.220 provides that any jurisdictional health department may apply to the Department of Ecology for financial aid for the enforcement of rules and regulations promulgated under Chapter 70.95 RCW. RCW 70.95.220 further provides that after receipt of such applications, the Department may allocate available funds according to criteria established by regulation. Such criteria shall consider or be based upon population, urban development, the number of disposal sites, and geographical area.

**NEW SECTION**

WAC 173-306-020 PURPOSE AND AUTHORITY The purpose of this regulation is to establish criteria by which the Department of Ecology shall allocate financial aid, pursuant to Chapter 70.105B RCW, to jurisdictional health departments for enforcement of rules and regulations promulgated under Chapter 70.95 RCW.

**NEW SECTION**

WAC 173-306-030 APPLICANT ELIGIBILITY In order to be eligible for grant funding, the local health department must:

- (1) Be a "jurisdictional health department" as defined by RCW 70.95.030;
- (2) Have a program to achieve the goals of RCW 70.95;
- (3) Have a solid waste ordinance per RCW 70.95, or be in the process of adoption;

**NEW SECTION**

WAC 173-306-040 APPLICATION Application for funds shall be made on forms provided by the Department and shall include detailed information specified in a guidance document also provided by the Department. This detailed information shall include a confirmation of the applicant's eligibility, and a description of the program and budget.

**NEW SECTION**

WAC 173-306-050 CRITERIA FOR ALLOCATION OF FUNDS As specified in RCW 70.95.220, first priority will be to provide funds exclusively for solid waste inspection activities, including staff for administration of the local inspection program. The following criteria will be used to assist in the allocation of those funds:

- (1) Protection of public health and environment.
- (2) Cost to residential ratepayers without state assistance.
- (3) Actions required under federal, state and local regulations, and consent decrees.
- (4) Commitment/readiness to proceed.
- (5) Degree of local solid waste problems, as measured by these factors:
  - (a) Number of existing disposal sites, open and closed;
  - (b) Environmental sensitivity of the geographical area;
  - (c) Disposal sites and other waste management facilities, open and closed;
  - (d) Current enforcement actions;
  - (e) Extent of urban development and its relationship to industrial, commercial, and residential development; and
  - (f) Population.

**WSR 88-12-073**

**EMERGENCY RULES**

**DEPARTMENT OF ECOLOGY**

[Order 88-3—Filed June 1, 1988]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Olympia, Washington, the annexed rules relating to establishment of a solid waste enforcement grant program for FY 1987-89 to provide solid waste enforcement grants to local jurisdictional health departments from the local toxics control account, under the Hazardous Waste Cleanup Act, chapter 70.105B 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 legislature has found that financial assistance to local health departments is necessary to promote adequate inspection of solid waste sites including landfills. These inspections will insure that these sites comply with the provisions of the minimum functional standards for solid waste handling, chapter 173-304 WAC and prevent both continued noncompliance and the potential air and water contamination and attendant threats to human health that noncompliance poses. Immediate financial assistance is required for local health departments statewide to begin to achieve the full goals and purposes established by RCW 70.105B-.220, chapter 173-304 WAC, and the Solid Waste Management Recovery and Recycling Act, chapter 70.95 RCW.

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

This rule is promulgated pursuant to RCW 70.105B-.220 and 70.95.220 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 24, 1988.

By Phillip C. Johnson  
Deputy Director

*Chapter 173-306 WAC*  
**LOCAL SOLID WASTE ENFORCEMENT GRANT  
REGULATION**

**NEW SECTION**

*WAC 173-306-010 INTRODUCTION RCW 70.95.220 provides that any jurisdictional health department may apply to the Department of Ecology for financial aid for the enforcement of rules and regulations promulgated under Chapter 70.95 RCW. RCW 70.95.220 further provides that after receipt of such applications, the Department may allocate available funds according to criteria established by regulation. Such criteria shall consider or be based upon population, urban development, the number of disposal sites, and geographical area.*

**NEW SECTION**

*WAC 173-306-020 PURPOSE AND AUTHORITY The purpose of this regulation is to establish criteria by which the Department of Ecology shall allocate financial aid, pursuant to Chapter 70.105B RCW, to jurisdictional health departments for enforcement of rules and regulations promulgated under Chapter 70.95 RCW.*

**NEW SECTION**

*WAC 173-306-030 APPLICANT ELIGIBILITY In order to be eligible for grant funding, the local health department must:*

- (1) Be a "jurisdictional health department" as defined by RCW 70.95.030;
- (2) Have a program to achieve the goals of RCW 70.95;
- (3) Have a solid waste ordinance per RCW 70.95, or be in the process of adoption;

**NEW SECTION**

*WAC 173-306-040 APPLICATION Application for funds shall be made on forms provided by the Department and shall include detailed information specified in a guidance document also provided by the Department. This detailed information shall include a confirmation of the applicant's eligibility, and a description of the program and budget.*

**NEW SECTION**

*WAC 173-306-050 CRITERIA FOR ALLOCATION OF FUNDS As specified in RCW 70.95.220, first priority will be to provide funds exclusively for solid waste inspection activities, including staff for administration of the local inspection program. The following criteria will be used to assist in the allocation of those funds:*

- (1) Protection of public health and environment.
- (2) Cost to residential ratepayers without state assistance.
- (3) Actions required under federal, state and local regulations, and consent decrees.
- (4) Commitment/readiness to proceed.
- (5) Degree of local solid waste problems, as measured by these factors:
  - (a) Number of existing disposal sites, open and closed;
  - (b) Environmental sensitivity of the geographical area;
  - (c) Disposal sites and other waste management facilities, open and closed;
  - (d) Current enforcement actions;
  - (e) Extent of urban development and its relationship to industrial, commercial, and residential development; and
  - (f) Population.

**WSR 88-12-074**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed June 1, 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 Wine labels—Certificate of label approval required—Product samples and labels to be submitted—Analysis fee, amending WAC 314-24-040;

that the agency will at 9:30 a.m., Wednesday, July 6, 1988, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030 and 66.28.110.

The specific statute these rules are intended to implement is RCW 66.28.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 6, 1988.

Dated: May 31, 1988

By: L. H. Pedersen  
Chairman

### STATEMENT OF PURPOSE

Title: WAC 314-24-040 Wine labels—Certificate of label approval required—Product samples and labels to be submitted—Analysis fee.

Description of Purpose: The purpose of these rules is to clarify requirements for submitting laboratory samples by requiring identical information on the sample(s) submitted as the label(s) will eventually show; the amendments will clarify that the board requires that only products ready for sale, i.e., finished products, be submitted as samples and will therefore put previous board policy in rule form; and the price of the chemical analysis is being raised to cover the actual cost to the state of performing the tests and carrying out the label and product approval program.

Statutory Authority: RCW 66.08.030 and 66.28.110.

Statutes Implemented by the Rule: RCW 66.28.110.

Summary of Rule and Reasons Supporting Proposed Action: 1. At the present time many applicants for label and product approval are submitting samples for chemical analysis that do not yet have a final label designed for the product. Because the chemical analysis/product approval takes longer than the actual review of the label, we are accepting samples for analysis without having the actual, selling label on them. Many times the sample submitted for analysis does not have adequate information on the bottle to identify it and later match it to the final label submitted for approval. The rule change, as proposed, would require that any samples submitted for analysis have identical information on them as their final label which will be submitted for approval. Therefore, all samples submitted for analysis would have to contain information on the bottle/package regarding: The brand of product, the type of product, the container size of the product, the alcohol content by volume for wine, the name and city, state or country of the producer or bottler and any other information that the applicant plans on having on the finished label, with the exception of the actual design and graphics which are, or may still be in the planning stages for the finished label. The final label should be attached to the sample package and submitted if it is available. This will allow the laboratory staff and board staff to adequately match the products submitted for samples with the labels submitted at a later time. 2. Many of the smaller wineries and breweries have been submitted [submitting] unfinished products in for analysis to the board simply because of our low fee. While it was always our understanding that only finished products would be sent for analysis, without the language

we are proposing to add now, there were no grounds for not accepting such samples. 3. The chemical analysis program has charged \$5.00 for analysis of samples since 1975 (prior to that the fee was \$3.50). At the present time, the board contracts with the Department of Agriculture laboratory in Seattle to do its chemical analysis for a fee of approximately \$10,000 a year (amount last contract for was \$9,972). Our analysis fee of \$5.00 each for between 1,500 and 2,000 analyses each year covered our contract costs, but not the cost of administering the program. The tests were done by students at the University of Washington under the supervision of the laboratory director on a part-time basis. The 1987 legislature authorized a new, full-time position for a chemist II position, in order that the board would have a full-time chemist available to analyze liquor products and perform a wider variety of tests. In order to cover the costs of this new position and the product and label approval program costs, the board is proposing to raise its analysis fee to \$32.00. The routine tests performed by the board will still be considerable less costly than if a private laboratory were to be used. (Estimated costs to perform the same tests at a private laboratory equal approximately \$110 each for a wine sample.)

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, phone (206) 753-6273 and James E. Hoing, Controller, Financial Division, phone (206) 753-6290; located at the Capital Plaza Building, Olympia, Washington 98504-2351.

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: There will be a cost impact for this rule to the liquor industry. With an average of 1,774 samples submitted for analysis each year divided by the 1,055 plus licensees submitting samples each year this equals each licensee submitting 1.68 applications for label/product approval each year, or an annual increase by each licensee of \$45.36 in fees annually. The board believes this increase in fees will be offset by more accurate and timely test results.

#### AMENDATORY SECTION (Amending Order 57, filed 7/28/77, effective 9/1/77)

WAC 314-24-040 WINE LABELS—CERTIFICATE OF LABEL APPROVAL REQUIRED—PRODUCT SAMPLES AND LABELS TO BE SUBMITTED—ANALYSIS FEE. No wine shall be imported or sold within the state of Washington until the certificate of approval holder, or domestic winery, or United States importer of foreign wine, shall have obtained from the board a certificate of label approval for such wine.

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

(a) Two labels of the brand and type for which approval is requested, and a list of the container sizes on which the label is to be used;

(b) Two pint samples (or two containers of 375 milliliters each), or one four-fifths quart (or 750 milliliters), or one quart (or one liter) of the finished wine for chemical analysis with a label attached with identical information on it for which approval is requested; PROVIDED, HOWEVER, That if such wine is available only in containers of

larger capacity than one liter, such a sample may be submitted in such package size nearest in quantity to one liter;

(c) Finished wine is the final finished product as bottled or packaged for sale. Tank or barrel samples will not be accepted.

(d) Payment of a fee of \$((5-00)) 32.00 for each chemical analysis; and

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

(2) Any change in label or product which requires reissuance of federal approval under the provisions of 27 CFR Part 4, must also be submitted to the board in accordance with the foregoing provisions of this regulation.

(3) If a change in product has been made, a sample of said wine must be submitted for analysis, as provided in subsection (1)(b) and ((c)) (d) of this ((regulation)) section. No fee is required if the application is for approval of a revised label only, where no change has been made in the content of a previously approved product.

(4) The board may, upon written request, where rare vintage wines of limited quantity are concerned, issue a certificate of label approval based on the condition that such a wine has received federal label approval. In submitting such a request the applicant should furnish the board with a copy of the federal certificate of label approval and file certified information confirming that such wine is actually of rare vintage and of limited quantity.

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

#### WSR 88-12-075

#### PROPOSED RULES

#### LIQUOR CONTROL BOARD

[Filed June 1, 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 Beer labels—Certificate of label approval required—Labels and product samples to be submitted—Analysis fee((=Proprietary labels prohibited)), amending WAC 314-20-020;

that the agency will at 9:30 a.m., Wednesday, July 6, 1988, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030 and 66.28.120.

The specific statute these rules are intended to implement is RCW 66.28.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 6, 1988.

Dated: May 31, 1988

By: L. H. Pedersen  
Chairman

#### STATEMENT OF PURPOSE

Title: WAC 314-20-020 Beer labels—Certificate of label approval required—Labels and product samples to be submitted—Analysis fee((=Proprietary labels prohibited)).

Description of Purpose: The purpose of this rule change is to clarify requirements for submitting laboratory samples by requiring identical information on the sample(s) submitted as the label(s) will eventually show; the amendments will clarify that the board requires that only products ready for sale, i.e., finished products, be submitted as samples and will therefore put previous board policy in rule form; and the price of the chemical analysis is being raised to cover the actual cost to the state of performing the tests and carrying out the label and product approval program.

Statutory Authority: RCW 66.08.030 and 66.28.120.

Statutes Implemented by the Rule: RCW 66.28.120.

Summary of Rule and Reasons Supporting Proposed Action: 1. At the present time many applicants for label and product approval are submitting samples for chemical analysis that do not yet have a final label designed for the product. Because the chemical analysis/product approval takes longer than the actual review of the label, we are accepting samples for analysis without having the actual, selling label on them. Many times the sample submitted for analysis does not have adequate information on the bottle to identify it and later match it to the final label submitted for approval. The rule change, as proposed, would require that any samples submitted for analysis have identical information on them as their final label which will be submitted for approval. Therefore, all samples submitted for analysis would have to contain information on the bottle/package regarding: The brand of product, the type of product, the container size of the product, the alcohol content by volume for wine, the name and city, state or country of the producer or bottler and any other information that the applicant plans on having on the finished label, with the exception of the actual design and graphics which are, or may still be in the planning stages for the finished label. The final label should be attached to the sample package and submitted if it is available. This will allow the laboratory staff and board staff to adequately match the products submitted for samples with the labels submitted at a later time. 2. Many of the smaller wineries and breweries have been submitted [submitting] unfinished products in for analysis to the board simply because of our low fee. While it was always our understanding that only finished products would be sent for analysis, without the language we are proposing to add now, there were no grounds for not accepting such samples. WAC 314-20-040 also includes new language limiting beer samples to approximately one quart in size. We have had problems in receiving samples in keg size containers. There is no facility to refrigerate such large containers until such time as an analysis may be performed. Additionally, the oversized containers are difficult to handle. 3. The chemical analysis program has charged \$5.00 for analysis of samples since 1975 (prior to that the fee was \$3.50). At the present time, the board contracts with the Department of Agriculture laboratory in Seattle to do its chemical analysis for a fee of approximately \$10,000 a year (amount last contract for was \$9,972). Our analysis fee of \$5.00 each for between 1,500 and 2,000 analyses each year covered our contract costs, but not the cost of



administering the program. The tests were done by students at the University of Washington under the supervision of the laboratory director on a part-time basis. The 1987 legislature authorized a new, full-time position for a chemist II position, in order that the board would have a full-time chemist available to analyze liquor products and perform a wider variety of tests. In order to cover the costs of this new position and the product and label approval program costs, the board is proposing to raise its analysis fee to \$32.00. The routine tests performed by the board will still be considerably less costly than if a private laboratory were to be used. (Estimated costs to perform the same tests at a private laboratory equal approximately \$110 each for a wine sample.)

**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, phone (206) 753-6273 and James E. Hoing, Controller, Financial Division, phone (206) 753-6290; located at the Capital Plaza Building, Olympia, Washington 98504-2351.

**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:** There will be a cost impact for this rule to the liquor industry. With an average of 1,774 samples submitted for analysis each year divided by the 1,055 plus licensees submitting samples each year this equals each licensee submitting 1.68 applications for label/product approval each year, or an annual increase by each licensee of \$45.36 in fees annually. The board believes this increase in fees will be offset by more accurate and timely test results.

**AMENDATORY SECTION** (Amending Order 230, Resolution No. 239, filed 10/13/87)

WAC 314-20-020 BEER LABELS—CERTIFICATE OF LABEL APPROVAL REQUIRED—LABELS AND PRODUCT SAMPLES TO BE SUBMITTED—ANALYSIS FEE(~~(=PROPRIETARY LABELS PROHIBITED)~~). (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with RCW 66.28.120. No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

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

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

(b) Two product samples of approximately ~~((+2))~~ twelve-ounce size, or one quart of ~~((the))~~ finished beer for chemical analysis; the samples must have a label attached with identical information on it for which approval is requested;

(c) Finished beer is the final finished product as bottled or packaged for sale. Draft keg beer will be submitted in suitable containers of approximately one quart size;

(d) Each request for approval must clearly state whether the product is pasteurized, microfiltered, draft or bottle fermented;

(e) Payment of a fee of ~~\$(5.00))~~ 32.00 for each chemical analysis; ~~((+1))~~ (1) One copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

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

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

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

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

### WSR 88-12-076

#### NOTICE OF PUBLIC MEETINGS BUILDING CODE COUNCIL

[Memorandum—May 27, 1988]

The State Building Code Council adopted the following change to its 1988 meeting schedule at their May 13, 1988, meeting: September 14, 1988, 9:00 a.m., Seattle to September 16, 1988, 9:00 a.m., Sea-Tac.

### WSR 88-12-077

#### NOTICE OF PUBLIC MEETINGS GREEN RIVER COMMUNITY COLLEGE

[Memorandum—May 26, 1988]

Green River Community College, District No. 10, pursuant to RCW 42.30.080, will hold a special meeting of its board of trustees at 5:00 p.m., on Friday, June 3, 1988.

### WSR 88-12-078

#### PROPOSED RULES PRODUCTIVITY BOARD

[Filed June 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Productivity Board intends to adopt, amend, or repeal rules concerning rules governing the teamwork incentive program, new chapter 383-07 WAC;

that the agency will at 9:00 a.m., Thursday, July 7, 1988, in the Office of the Secretary of State, 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 41.60 RCW.

The specific statute these rules are intended to implement is chapter 41.60 RCW.

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

Dated: June 1, 1988

By: Carolyn W. Smith  
Productivity Board Administrator

**STATEMENT OF PURPOSE**

New Sections: WAC 383-07-010 through 383-07-130.

Title: Rules for the teamwork incentive program (TIP).

Purpose: Provide operating rules and guidelines governing the teamwork incentive program, including WAC 383-07-010 Purpose; 383-07-020 Definitions; 383-07-030 Functions of the board; 383-07-040 Duties of the program administrator; 383-07-045 Responsibilities of agency management; 383-07-050 Responsibilities of TIP liaison; 383-07-060 Employee responsibilities; 383-07-070 Application procedures; 383-07-080 Application format; 383-07-090 Approval of the application; 383-07-100 Reports to the Productivity Board; 383-07-110 Criteria for evaluation of savings; 383-07-120 Distribution of awards; and 383-07-130 Award authorization and payment procedures.

Statutory Authority: Chapter 41.60 RCW.

Summary: Provides rules and guidelines for agencies with units participating or wishing to become involved in the incentive program called teamwork incentive (TIP) operated under the auspices of the Productivity Board.

Responsibility for Drafting: Carolyn W. Smith, Program Administrator, Productivity Board, P.O. Box 9000, Mailstop AS-22, Olympia, Washington 98504, (206) 586-3789, 321-3789 scan; Implementation: All agencies and institutions of higher education; and Enforcement: The Productivity Board.

Proposed by: The Productivity Board, governmental agency.

**NEW CHAPTER**  
Chapter 383-87 WAC  
Rules for the Teamwork Incentive Program

<b>WAC</b>	
383-07-010	Purpose
383-07-020	Definitions
383-07-030	Functions of the Board
383-07-040	Duties of the Program Administrator
383-07-045	Responsibilities of Agency Management
383-07-050	Responsibilities of the TIP Liaison
383-07-060	Employee Responsibilities
383-07-070	Application Procedures
383-07-080	Application Format
383-07-090	Approval of the Application
383-07-100	Reports to the Productivity Board
383-07-110	Criteria for Evaluation of Savings
383-07-120	Distribution of Awards
383-07-130	Award Authorization and Payment Procedures

**TEAMWORK INCENTIVE PROGRAM WACS**

**NEW SECTION**

WAC 383-07-010 PURPOSE The purpose of this chapter is to provide rules for the development and administration of the Teamwork Incentive Program (TIP) administered by the Productivity Board under the authority of RCW 41.60.

**NEW SECTION**

WAC 383-07-020 DEFINITIONS As used in these rules, these definitions refer only to the Teamwork Incentive Program unless the context requires otherwise:

1. "Board" means Productivity Board.
2. "Program" means Teamwork Incentive Program developed by the Productivity Board under RCW 41.60, and is frequently abbreviated as TIP.

3. "Program Administrator" refers to the person hired by the board to administer the program known as TIP.

4. "The Act" referred to in these rules is Chapter 41.60 RCW.

5. "Agency" includes every sub-division of state government eligible to participate under RCW 41.60, including all merit system agencies and institutions of higher education.

6. "Unit" means a sub-division with a common mission within an agency. A unit may also be referred to as a "team" or a "group."

7. "Director" means the appointed or elected chief executive of the agency.

8. "Supervisor" means the person responsible for unit operations in accordance with WAC 356-05-400 or WAC 251-01-395. (Merit System Rules & HEPB Rules defining supervisor.)

9. "Steering committee" means a representative group of individuals responsible for planning and implementation of TIP within an agency.

10. "Liaison" means the individual who is the key contact from an agency to the productivity board. The TIP liaison is a member of the steering committee in agencies using them.

11. "Award" means the percentage of savings allowed by RCW 41.60.

12. "Cost savings" refers to cost efficiencies which occurred as a result of productivity improvements. Cost savings may be reflected in budget reductions and/or cost containment.

13. "Outcome" refers to the accomplishments or results achieved by the unit.

14. "Project year" means the twelve-month period during which performance and fiscal measures are monitored.

**NEW SECTION**

WAC 383-07-030 FUNCTIONS OF THE BOARD The responsibilities of the board shall include

1. Promotion of the program to agency directors and the legislature,
2. Establishment of policies under which the program shall be promoted and administered, including guidelines cited in WAC 383-07-045, WAC 383-07-050 and WAC 303-07-060 concerning the responsibilities of agency management, TIP liaisons and agency employees,
3. Adoption of rules and regulations necessary for the administration of this act,
4. Final determination in approving unit participation in the teamwork program,
5. Final approval of any amount awarded to an eligible unit,
6. Submission of reports required by RCW 41.60.

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 383-07-040 DUTIES OF THE PROGRAM ADMINISTRATOR The program administrator shall be responsible and accountable to the board for the administration of the program, and shall

1. Attend meetings of the board and ensure a record of its actions regarding the program is maintained.
2. Propose policies, rules and regulations appropriate for the administration of the program.
3. Establish and maintain records and procedures necessary for the administration and maintenance of the program.
4. Review applications and reports submitted by units to ensure compliance with RCW 41.60 and to recommend necessary changes.
5. Supervise staff and interface with agency TIP liaisons and/or other agency personnel about the program.

**NEW SECTION**

WAC 383-07-045 RESPONSIBILITIES OF AGENCY MANAGEMENT Under the following guidelines, agency management shall be responsible for facilitating agency involvement at all stages of the teamwork program, including the following:

1. Promotion of the TIP program within the agency, offering assistance in the completion of unit applications,
2. Providing support throughout unit participation in the TIP project through encouragement, records management and training assistance, and facilitating cooperation between shifts, other units, other divisions, etc.,
3. Review of quarterly and final TIP reports, verifying sustained or improved performance and quality measures, and fiscal impact,

4. Cooperation and assistance in recognizing TIP units for their efforts and achievements, including timely payment of awards.

5. The agency head shall appoint an individual as TIP liaison to coordinate agency TIP activities with the Productivity Board. A group of individuals, including the agency TIP liaison, may be designated as a steering committee within the agency to implement and maintain the program.

#### NEW SECTION

**WAC 383-07-050 RESPONSIBILITIES OF THE TIP LIAISON** The TIP liaison, under these guidelines, serves as the primary link between the board and the agency, and is responsible and accountable to agency management. The TIP liaison shall

1. Coordinate the TIP program within the agency as a key member of the agency's TIP steering committee or as a individual liaison the agency and the board.

2. Oversee the completion and submission of all TIP applications, working within agency chain of command and with productivity board staff. Ensure that all applications meet the criteria established by RCW 41.60.100, WAC 383-07-070 and WAC 383-07-080.

3. Monitor on-going TIP activities within the agency, reviewing all quarterly reports for completeness and accuracy and transmit reports to the program administrator in a timely manner.

4. Represent the agency on TIP-related issues at board meetings. Attend regularly scheduled board meetings when the agenda includes TIP projects or issues relevant to the agency.

5. Promote the program within the agency through on-site presentations, written communications, facilitation of meetings and other effective means to acquaint employees and supervisors with the purpose and benefits of the program.

6. Ensure that award authorizations are processed, and that payments are made to individuals and the board in a timely manner.

7. Identify and encourage use of internal resources, such as training staff and management analysts, to assist units participating in TIP.

8. Identify and encourage use of other resources inside and outside state government, such as the State Energy Office, the Career Executive Program and other knowledgeable experts.

9. Coordinate with agency management and the board recognition of groups completing the year-long project.

#### NEW SECTION

**WAC 383-07-060 EMPLOYEE RESPONSIBILITIES** Employees within a unit form a team under these guidelines. As team members, individuals should

1. Understand the mission of the unit and be aware of performance goals and fiscal targets identified in the TIP data base.

2. Identify problem areas which the team should address as a means to improve performance outcomes.

3. Share ideas with other team members and build upon ideas shared by others.

4. Propose solutions to unit problems and develop action plans.

5. Submit action plans to management as needed to implement proposals.

6. Implement changes and evaluate their effectiveness.

#### NEW SECTION

**WAC 383-07-070 APPLICATION PROCEDURES** Units interested in being considered for participation in the teamwork incentive program shall complete a TIP application form.

1. Application forms shall be available from the productivity board office or the TIP liaison within the agency.

2. Applications shall be submitted to the agency TIP liaison. Applications meeting agency requirements shall be submitted by the TIP liaison to the program administrator.

3. Applications should be submitted prior to the beginning of the project year and must be received by the board staff by the 10th of the month preceding board action to approve a unit's participation in the teamwork incentive program.

4. Applications presented to the board for action shall contain authorizing signatures and outcome and fiscal information.

5. In accordance with RCW 41.60.110 (1)(b), units completing a TIP project year may reapply by the submission of an abbreviated application, including authorizing signatures, timeframes and a confirmation of the previous results as the data base to be used.

#### NEW SECTION

**WAC 383-07-080 APPLICATION FORMAT** For applications to be considered by the board, units interested in participating in the teamwork incentive program must meet these eligibility criteria:

1. An identification of the data base against which savings shall be evaluated at the end of the project year, including the following:

a. A general description of the unit and its mission,

b. Performance measures which quantify the workflow and outcome measures of the unit,

c. Fiscal information pertinent to outcomes, and

d. A list of participating personnel, with special notation of those working less than full time.

e. A statement of how the unit expects to achieve gains.

2. Signatures of agency management authorizing the unit's participation in the TIP project, including

a. The head of the agency in which the unit is located, as required by RCW 41.60.100,

b. The supervisor of the participating unit,

c. The fiscal officer of the agency and/or the agency accounts officer of the agency.

d. Other signatures specified by the agency, such as the personnel manager and division directors.

#### NEW SECTION

**WAC 383-07-090 APPROVAL OR DENIAL OF THE APPLICATION** Upon receipt of the official application, the program administrator shall

1. Review the application for completeness and accuracy, coordinating with the agency TIP liaison on any points needing clarification.

2. Schedule the application review for board action at the next appropriate meeting.

3. Prepare an executive summary about the unit, its performance measures and its TIP goals to be sent to board members prior to scheduled action.

4. Make a recommendation to board members concerning the application, based on whether or not the application is reasonable and practical and includes program indicators which lend themselves to a judgment of success or failure.

5. The board may approve or deny an application based upon whether or not the proposal is deemed reasonable, practical and includes program indicators which lend themselves to a judgment of success or failure.

6. Communicate with the TIP liaison and interested others about dates for the anticipated board action approving the application, the quarterly reports and the anticipated final review and approval of any unit award.

#### NEW SECTION

**WAC 383-07-100 REPORTS TO THE PRODUCTIVITY BOARD** Each unit accepted to participate in the program shall submit regular progress reports to the board through the agency's TIP liaison.

1. Quarterly reports shall be submitted to the board in accordance with a schedule arranged by the program administrator and shall contain, as a minimum, the following information:

a. An update on unit accomplishments relative to TIP performance measures,

b. An update on personnel changes, and

c. An indication of quality of outcomes.

2. Final reports shall be submitted to the board within two months following the TIP completion date and shall include, as a minimum, the following information:

a. Annual accomplishments relative to TIP performance measures as compared to TIP data base measures, expressed in both quantitative and qualitative terms, including the total net savings, the unit award and the amount of a full award share,

b. A list of personnel eligible to receive full award shares,

c. A list of personnel eligible to receive partial award shares, based on the fraction of the year each has worked for the unit,

d. A statement of quality of services written by agency management, and

e. Specific information requested by the program administrator on behalf of the board.

3. In their final report, the unit shall submit documentation which quantifies performance measures, fiscal measures and outcome measures for the TIP project year. Acceptable documentation may include, but is not limited to

- a. Fiscal documents, such as budgets and accounting reports,
- b. Agency management reports quantifying outcomes,
- c. Reports from other agencies, such as the State Energy Office or federal agencies,
- d. Reports made to other agencies or governmental units,
- e. Personnel reports quantifying overtime hours,
- f. Other reports relevant to TIP performance outcomes and operational costs.

4. The program administrator may extend due dates for reports.

**NEW SECTION**

WAC 383-07-110 CRITERIA FOR EVALUATION OF SAVINGS TIP savings shall be evaluated using the following criteria:

- 1. Savings achieved during the TIP project year shall be evaluated in accordance with criteria set forth in RCW 41.60.110.
- 2. The TIP application shall provide the data base of performance measures, fiscal measures and outcome measures to be used as the basis of comparison for units participating in TIP for the first year.
- 3. For units re-applying to participate in a subsequent year, the data base shall be in accordance with RCW 41.60.110.

**NEW SECTION**

WAC 383-07-120 DISTRIBUTION OF AWARDS Awards shall be distributed to employees and supervisors of the unit as follows,

- 1. If the board determines in its judgment that a unit qualifies for an award, the board shall award to the employees and supervisors of the unit a percentage of net savings as specified in RCW 41.60.120.
- 2. The unit award shall be divided and distributed in equal shares to employees and supervisors of the unit, except those who have worked within the unit for less than twelve months of the TIP-year or less than full time during the twelve months of the project shall receive a pro rata share based upon the fraction of the TIP-year worked.
- 3. Units not demonstrating cost efficiencies may receive special recognition of merit in the form and manner determined by the board.

**NEW SECTION**

WAC 383-07-130 AWARD AUTHORIZATION AND PAYMENT PROCEDURES Following approval of a teamwork incentive award by the productivity board, the program administrator shall submit an award invoice to the agency authorizing payment of awards and transfer of fees in accordance with RCW 41.60.120.

- 1. The award authorization invoice shall include
  - a. the total amount of savings,
  - b. the unit award based upon the percentage specified by RCW 41.60.120,
  - c. a list of employees and the amount of each individual's award share, and
  - d. the amount to be transferred to the department of personnel service fund in accordance with RCW 41.60.120.
- 2. The award authorization invoice shall be sent to the agency's TIP liaison for processing payments of awards and fees. A copy of the authorization shall be forwarded to the unit supervisor, the agency accounts officer for the department of personnel, and the agency accounts officer for the board.
- 3. The award authorization invoice shall be sent within 5 working days following board action.
- 4. The agency shall arrange for payment of awards in a timely manner.

**WSR 88-12-079**

**PROPOSED RULES**

**COUNTY ROAD ADMINISTRATION BOARD**

[Filed June 1, 1988]

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

- New ch. 136-15 WAC Regarding procedures for preparation of six-year road programs.
- Amd WAC 136-160-060 Limitation on use of rata funds.
- Amd WAC 136-220-020 Establishment of matching requirements.
- Amd WAC 136-220-030 Use of rate funds to match other funds;

that the agency will at 9:00 a.m., Friday, July 22, 1988, in the Washington Counties 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 36.79.060.

The specific statute these rules are intended to implement is RCW 36.79.140.

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

Dated: June 1, 1988  
By: Ernest Geissler  
Director

**STATEMENT OF PURPOSE**

Title: Procedures for preparation of six-year road program.

Description of Purpose: To implement specific procedures for preparation and submittal of six-year road programs.

Statutory Authority: RCW 36.78.070.

Specific Statute: RCW 36.78.070.

Summary of Rule: Provides for six-year program contents, specifications, revenues and expenditures, analysis, format, and reporting requirements.

Reasons Supporting Proposed Action: Implementation of statutory requirements has been inconsistent and clarifying rule necessary for uniformity.

Agency Personnel Responsible: Ernie Geissler, Director.

Organization Proposing Rule: County Road Administration Board.

Agency Recommendation: The CRABoard is recommending the proposed new language as requested.

Title: Administration of the rural arterial program.

Description of Purpose: To amend the county matching percentage required in the southeast region.

Statutory Authority: RCW 36.79.060.

Specific Statute: RCW 36.79.090 and 36.79.140.

Summary of Rule: The county matching percentage will be changed from 20% to 10% in the southeast region.

Reasons Supporting Proposed Action: Requested by the counties involved.

Agency Personnel Responsible: Greg Gifford, P.E., Programs Engineer.

Organization Proposing Rule: County Road Administration Board.

Agency Recommendation: The CRABoard is recommending the proposed new language as requested.

CHAPTER 136-15 WAC  
REGARDING PROCEDURES FOR PREPARATION OF SIX-YEAR ROAD PROGRAMS

NEW SECTION

WAC 136-15-010 PURPOSE. The Laws of the State of Washington (RCW 36.81.121) require the preparation and annual updating of a six-year comprehensive road program. The program shall be adopted by the county legislative authority before July 1 of each year and shall include all anticipated road and bridge construction projects, capital ferry expenditures, paths and trails projects and any other specified capital outlays for the following six-year period. The purpose of this chapter is to implement these statutory requirements with assurance that the program is based on a realistic assessment of available funding during the program period.

NEW SECTION

WAC 136-15-020 CONTENTS OF SIX-YEAR PROGRAM. Each adopted six-year program shall designate the six-year time period included, the name of the county, the OFM-assigned county number, the date(s) of the public hearing held to provide public input to the program, the date of the adoption by the legislative authority and the adopting resolution number. The adopted six-year program for submittal to CRAB shall consist of two parts: (1) a road fund revenue and expenditure analysis for the six-year time period and (2) a program listing of specific projects.

NEW SECTION

WAC 136-15-030 ROAD FUND REVENUE AND EXPENDITURE ANALYSIS. The road fund revenue and expenditure analysis shall include the county's best estimates of future road fund revenues and expenditures over each year of the six-year program period.

The anticipated revenues should include a line item for motor vehicle fuel tax, the road levy after diversion, federal transportation program grants (by program), UAB funds, RAP funds, RID funds, Public Works Trust Fund loans, State forest funds, Federal forest funds, and other miscellaneous revenues.

The anticipated road fund expenditures should include line items for administration, maintenance, facilities, transfers and loan repayments, reimbursable work and miscellaneous expenditures; showing by subtraction the amount available for construction during each year of the program period.

**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 136-15-040 PROGRAM LISTINGS OF SPECIFIC PROJECTS. This listing shall include projects having an estimated cost approximately equal to the anticipated revenues for projects during the program period, clearly identifying those projects (1) for which funding is reasonably assured; (2) for which funds are not specifically assured by are within expected levels of existing programs for the applicable year; and (3), if desired, those which are unfunded within currently anticipated resources. Because of the possibility of unforeseen future circumstances at the time of approval of the six-year program, the above construction funding classification for any project shall not be considered final, but only an indication of the relative certainty of the various proposed projects.

It is recommended that provision be made in the program for one or more generic projects each year for improvements such as miscellaneous safety projects, new culvert and small bridge construction and other minor improvements.

NEW SECTION

WAC 136-15-050 SUBMITTAL OF SIX-YEAR PROGRAM. Within 30 days of adoption, the county legislative authority shall submit the six-year program to the County Road Administration Board.

NEW SECTION

WAC 136-15-060 CONFLICTS WITH WSDOT AND UAB AUTHORITY. Nothing in this rule shall eliminate or modify any requirements or procedures or authorities of either the Washington State Department of Transportation or the Urban Arterial Board as codified in the Revised Code of Washington or as adopted in the Washington Administrative Code.

AMENDATORY SECTION (Amending Order 63 [63-P], filed 10/15/86)

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP project construction costs up to the amount of the CRAB/county contract in the PSR, NWR, ((SER)) and SWR and 90% in the NER and SER. RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the PSR ((and SER)) and 90% in the NER and SER. RATA funds may not be used for right-of-way acquisition in any region.

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

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 63 [63-P], filed 10/15/86)

WAC 136-220-020 ESTABLISHMENT OF MATCHING REQUIREMENTS. Counties will be required to match RATA funds with a minimum of 20% matching funds in the PSR, NWR, ((SER;)) and SWR and 10% matching funds in the NER and SER.

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

AMENDATORY SECTION (Amending Order 63 [63-P], filed 10/15/86)

WAC 136-220-030 USE OF RATA FUNDS TO MATCH OTHER FUNDS. A county with an approved RAP project may use RATA funds to match any applicable funds available for such project, provided that the county will be required to match any RATA funds allocated to the project with a minimum of 20% matching funds in the PSR, NWR, ((SER;)) and SWR and 10% matching funds in the NER and SER. Projects involving Federal Highway Program funds will be administered through the State Aid Division of WSDOT except that reimbursement of RATA funds will be through the CRABoard.

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

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 88-12-080

ADOPTED RULES

COUNTY ROAD ADMINISTRATION BOARD

[Order 69—Filed June 1, 1988]

Be it resolved by the County Road Administration Board, acting at Ritzville, Washington, that it does adopt the annexed rules relating to project prioritization in northeast region, WAC 136-130-050.

This action is taken pursuant to Notice No. WSR 88-09-034 filed with the code reviser on April 15, 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 County Road Administration Board as authorized in chapter 36.78 RCW.

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

APPROVED AND ADOPTED June 1, 1988.

By Ernest Geissler  
Director

AMENDATORY SECTION (Amending Order 63 [63-P], filed 10/15/86)

WAC 136-130-050 PROJECT PRIORITIZATION IN NORTHEAST REGION (NER). Each county in the NER may submit projects requesting RATA funds not to exceed 30% per county of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP Rating Procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

Category 1 - 10% for bridge projects where RATA funds are used as a match for Federal Bridge Replacement funds;

Category 2 - 45% for reconstruction of rural collectors; and

Category 3 - 45% for Resurfacing, Restoration, Rehabilitation (3R) type projects of rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the CARBoard deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

1. ~~((10% of the NER biennial apportionment shall be reserved for stand-alone bridge projects in each biennium.))~~ Bridges must be approved for Federal Bridge Replacement funding and RATA funds shall be used only as a match for such Federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list. ~~((Whatever part of the bridge reserve is not allocated to bridge projects in each biennium shall be available for allocation to other RAP projects.))~~

2. A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. ~~((same procedure applied~~

~~to all other projects, and provided further that RATA funds shall be used only as a match for Federal funds.))~~ Such projects shall not be considered for funding from the bridge reserve described above.

3. A RAP project may include a bridge when the cost of the bridge does not exceed 20% of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-Federal Bridge Replacement projects shall be assigned on the basis of 100 points for a condition rating and 50 points for a service rating. The priority rating equals two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing 100 by the condition rating. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

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

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**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.

**WSR 88-12-081**

**NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Memorandum—June 1, 1988]

At the May 26, 1988, regular commission meeting, the commissioners decided to change the date of the June 23, 1988, regular commission meeting to June 30, 1988, to assure the attendance of a quorum. The meeting will be held in Spokane, Washington on June 29 and 30, 1988. The meeting on June 29 will be held at Cavanaugh's Inn at the Park, Ballroom D, West 303 North River Drive, Spokane. The commissioners will address disability issues in employment at this evening session which will begin at 7:00 p.m. The regular business meeting will be held at the Eastern Washington University Spokane Center, Fourth Floor Mall, West 705 First at Wall, Spokane, beginning at 9:30 a.m. The main topic of discussion for this session will be racial and religious hate group activity in the Pacific Northwest.

**WSR 88-12-082**

**EMERGENCY RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1978—Filed June 1, 1988]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, the annexed rules relating to Varroa mite quarantine, chapter 16-470 WAC.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this action is necessary to prevent the introduction or movement of Varroa mite. Varroa mite is an external mite that infests bees which can be detrimental to the apiculture industry of Washington state.

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

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

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

APPROVED AND ADOPTED June 1, 1988.

By Michael V. Schwisow  
Deputy Director

AMENDATORY SECTION (Amending Order 1881, filed 3/12/86)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Honey bee" means bees of the species Apis mellifera.

(8) "Colony" means ~~((a man-made hive including five or more combs of bees))~~ any natural group of bees having a queen.

(9) "Hive" means ~~((a man-made domicile of honey bees including their combs in the various sizes used by~~

~~the apiculture industry))~~ any receptacle or container made or prepared for the use of bees, or box or other container taken possession of by bees, including movable frames, combs, or substances deposited into the hive by bees.

(10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(12) "Package" means a combless shipping container of bees with or without a queen.

(13) "Apiarist" means any person who owns bees or is a keeper of bees.

(14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

AMENDATORY SECTION (Amending Order 1862, filed 7/8/85)

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars, or by both fine and imprisonment.

NEW SECTION

WAC 16-470-600 QUARANTINE—VARROA MITE. (1) The department of agriculture with the cooperation of the United States Department of Agriculture, APHIS, PPQ, surveyed Washington state honey bee colonies in 1986 and 1987 for Varroa mite and all results were negative. The director finds that Varroa mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is hereby established to prevent the introduction into or movement through Washington state.

(2) The following definition shall apply to WAC 16-470-605 through 16-470-635: "Varroa mite" means a parasite of honey bees, the arachnid scientifically identified as Varroa jacobsonii (Oudemans), commonly called the Varroa mite and also known as the "Asian mite."

NEW SECTION

WAC 16-470-605 VARROA MITE—REGULATED ARTICLES. The following are regulated articles:

(1) Varroa mites.

(2) All honey bees, live and dead.

(3) Hives and the hive equipment, shipping and storage containers (cages), and vehicles used at apiaries.

(4) Combs with brood cells.

(5) Pollen for bee food.

(6) Any article or means of conveyance not listed in subsections (1), (2), (3), (4), or (5) of this section, that presents a risk of spreading the Varroa mite, when the



person in possession of the article or means of conveyance is notified that it is subject to this section.

#### NEW SECTION

**WAC 16-470-610 VARROA MITE—AREA UNDER QUARANTINE—EXTERIOR.** (1) The following are designated quarantined areas:

(a) The states of Florida, Illinois, Maine, Michigan, Mississippi, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin; and

(b) Any other state where Varroa mite has been found or evidence indicates that Varroa mite may exist in that state; and

(c) Any state that has not conducted a biologically sound Varroa mite survey of at least two percent of all known resident colonies.

(2) Less than an entire state may be accepted as a quarantined area if the Director determines that:

(a) The state has adopted and is enforcing restrictions on interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions on the movement of regulated articles as herein described; and

(b) The quarantine of less than an entire state will prevent the interstate and intrastate spread of the Varroa mite; and

(c) The state has conducted a biologically sound Varroa mite survey of a least five percent of all known resident colonies to determine the statewide presence or absence of Varroa mite; and

(d) The state has an ongoing, biologically sound Varroa mite survey.

(3) Any state that has eradicated a known infestation and a subsequent survey indicates varroa mite is not known to occur in the state, that state may be removed from the quarantine area.

#### NEW SECTION

**WAC 16-470-615 VARROA MITE—CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE.** (1) Any regulated article may be moved from a nonquarantined area into Washington state only if moved under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state, stating that the regulated article originated in an area where Varroa mite does not occur; and

(b) The point of origin of the regulated article is indicated on the accompanying waybill; and

(c) If the regulated article is moved through a quarantined area, it shall be moved either in an enclosed vehicle or netted, with no stops except those necessary under normal driving conditions, such as traffic lights, rest stops, and stop signs: PROVIDED, That if mechanical failure prolongs the stop by more than one day, the department shall be contacted (206-872-6480) by the vehicle operator.

(2) Any regulated article may be moved from a quarantined area into Washington state only under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state upon determining that the regulated article has been treated as provided in WAC 16-470-625 under the supervision of a state inspector, who shall be present during treatment; and

(b) The certificate shall specify the destination address, the responsible party or parties within Washington state, and the handling, utilization or processing of the regulated article; and

(c) The regulated article shall be moved as provided for in subsection (1)(b) and (c) of this section.

(3) Any regulated article may be moved without a certificate if moved:

(a) By the United States Department of Agriculture for scientific or experimental purposes with a United States Department of Agriculture permit; and

(b) Under the conditions specified on the United States Department of Agriculture permit; and

(c) With a tag or label, attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article, bearing the United States Department of Agriculture permit number issued for the regulated article; or

(d) As otherwise provided by the department.

(4) All regulated articles shall be moved in compliance with any additional emergency conditions that the United States Department of Agriculture may impose under 7 U.S.C. 150dd to prevent the spread of Varroa mite.

(5) The conditions, certificates and permits required in this section are in addition to those set forth in chapter 15.60 RCW, Apiaries.

#### NEW SECTION

**WAC 16-470-620 VARROA MITE—ATTACHMENT AND DISPOSITION OF CERTIFICATES.**

(1) The certificate required for the movement of regulated articles into Washington state shall be attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article at all times during interstate movement; or the certificate may be attached to the consignee's copy of the accompanying waybill: PROVIDED, That the description of the regulated article on the waybill is sufficient to identify the regulated article.

(2) The carrier, shipper or handler shall furnish to the department a copy of the certificate authorizing the movement of the regulated article into Washington state. The copy of the certificate shall arrive at 1313 West Meeker, Suite 111, Kent, WA 98031 at least forty-eight hours before the regulated article arrives in Washington state.

(3) The consignee shall keep the waybill and certificate available for inspection by the department for a minimum of one year.

#### NEW SECTION

**WAC 16-470-625 VARROA MITE—TREATMENT.** Regulated articles shall be treated as provided



for in this section unless otherwise required by the product label:

(1) Queen honey bee cages shall be treated as follows:

(a) Place a one inch by one-half inch, one percent fluvalinate strip in the bottom of the empty cage;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the queen and the attendants into the cage;

(d) Remove the fluvalinate strip seventy-two hours (three days) after placing the queen and her attendants into the cage;

(e) Protect the queen cage from reinfestation through contact with untreated regulated articles, and ship within forty-eight hours of the fluvalinate strip's removal.

(2) Packaged honey bees (two- to three-pound packages) shall be treated as follows: **PROVIDED**, That any queen cage which included in any package shall be treated in accordance with subsection (1) of this section:

(a) Using a wire or staple, suspend a five inch by one inch, two and one-half percent fluvalinate strip in an empty shipping cage and position the strip near the feeder;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the honey bees into the cage;

(d) Remove the fluvalinate strip one hundred and twenty hours (five days) after placing the honey bees into the cage;

(e) Protect the packaged honey bees from reinfestation through contact with untreated regulated article, and ship within forty-eight hours of the fluvalinate strip's removal.

(3) Hives shall be treated as follows:

(a) Remove supers;

(b) Remove the cover of the hive;

(c) Using a nail, suspend one ten inch by one and three-sixteenths inch, ten percent fluvalinate strip for each five frames covered with bees so that the strip or strips can hang between frames approximately two inches inside the outer edge of the bee cluster;

(d) Close the hive;

(e) Remove the fluvalinate strips five hundred and four hours (twenty-one days) after the insertion into the hive;

(f) Protect the treated hive from reinfestation through contact with untreated regulated articles and ship within forty-eight hours of the fluvalinate strip's removal.

(4) Any other regulated article shall be treated as follows:

(a) Hold and protect from reinfestation through contact with untreated regulated articles for seven days; or

(b) Apply steam to all surface areas of the regulated article in such a manner so as to remove all debris from the article; protect from reinfestation through contact with untreated regulated articles; and ship within forty-eight hours of treatment.

#### NEW SECTION

**WAC 16-470-630 VARROA MITE—AREA UNDER QUARANTINE—INTERIOR.** A quarantine area for Varroa mite containing approximately sixty-one

square miles within Klickitat county is hereby established, and shall be that area of land lying between state Highway 97 on the west, Goldendale-Goodnoe Road on the north, Goodnoe Station Road on the east, and the Columbia River on the south. This described site is bordered by dry scab rock hills and mountains on the north, east and west, and the Columbia River to the south; and is determined to be a reasonable location for a quarantine area; and other locations in the county suitable to beekeeping are isolated at a reasonable distance to protect bees from contamination by the department quarantine bee yard sites; and historically and today, Klickitat county contains very few resident bees or apiculture operations and very little bee pasture.

#### NEW SECTION

**WAC 16-470-635 VARROA MITE—RESTRICTIONS—INTERIOR.** (1) To protect the national migratory beekeeping industry, all colonies leaving the state may be required to be certified as apparently free from Varroa mite prior to movement.

(2) Any apiculture operation located in the designated quarantine area of Klickitat county or honey bee colonies located therein shall not be removed therefrom until treated by the department as specified by the department and found free of Varroa mite.

(3) No colonies presently outside of the designated quarantine area boundaries in Klickitat county shall be moved into that designated quarantine area without the express permission of the department: **PROVIDED**, That colonies of bees shall be permitted to transit through the designated area as specified by the department to and from other locations.

(4) Any colonies found to be in Washington state without a Varroa mite-free certification as specified by the department may be required to be moved to the quarantine area of Klickitat county pending survey by the department, or as otherwise specified by the department.

(5) All colonies found with Varroa mite upon survey by the department may be required to be moved to the quarantine area of Klickitat county pending disposition procedures.

**WSR 88-12-083**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed June 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning Varroa mite quarantine, chapter 16-470 WAC;

that the agency will at 9:00 a.m., Monday, July 11, 1988, in the Agricultural Center, Federal Conference Room, 2015 South 1st Street, Yakima, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapters 15.60 and 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1988.

Dated: June 1, 1988

By: Michael V. Schwisow  
Deputy Director

### STATEMENT OF PURPOSE

Title: Chapter 16-470 WAC, WAC 16-470-010, 16-470-015 and 16-470-600 through 16-470-635.

Description of Purpose: To prevent the spread, introduction or movement of pests into Washington state.

Statutory Authority: Chapters 15.60 and 17.24 RCW.

Summary of Rules: These rules establish requirements for certification and the movement of bees into and through Washington state in order to prevent the introduction or movement of Varroa mite, a serious parasite of bees which can wipe out entire colonies in a short time.

Reasons for Supporting Proposed Action: Apiary officials believe that Varroa mite was introduced into this country last year by illegal import of bees by Florida beekeepers. Varroa mite has been found in thirteen states. A survey of honey bee colonies in Washington for Varroa mite during 1986 and 1987, conducted by the department in cooperation with USDA had negative results. These rules are necessary to protect the apiculture industry in this state.

Agency Personnel Responsible for Drafting, Implementing and Enforcing These Rules: Robert O. Rebhan, Plant Services Supervisor, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 586-5306.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

### AMENDATORY SECTION (Amending Order 1881, filed 3/12/86)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Honey bee" means bees of the species *Apis mellifera*.

(8) "Colony" means ~~((a man-made hive including five or more combs of bees))~~ any natural group of bees having a queen.

(9) "Hive" means ~~((a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry))~~ any receptacle or container made or prepared for the use of bees, or box or other container taken possession of by bees, including movable frames, combs, or substances deposited into the hive by bees.

(10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(12) "Package" means a combless shipping container of bees with or without a queen.

(13) "Apiarist" means any person who owns bees or is a keeper of bees.

(14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

### AMENDATORY SECTION (Amending Order 1862, filed 7/8/85)

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars, or by both fine and imprisonment.

### NEW SECTION

WAC 16-470-600 QUARANTINE—VARROA MITE. (1) The department of agriculture with the cooperation of the United States Department of Agriculture, APHIS, PPQ, surveyed Washington state honey bee colonies in 1986 and 1987 for Varroa mite and all results were negative. The director finds that Varroa mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is hereby established to prevent the introduction into or movement through Washington state.

(2) The following definition shall apply to WAC 16-470-605 through 16-470-635: "Varroa mite" means a parasite of honey bees, the arachnid scientifically identified as *Varroa jacobsonii* (Oudemans), commonly called the Varroa mite and also known as the "Asian mite."

### NEW SECTION

WAC 16-470-605 VARROA MITE—REGULATED ARTICLES. The following are regulated articles:

(1) Varroa mites.

(2) All honey bees, live and dead.

(3) Hives and the hive equipment, shipping and storage containers (cages), and vehicles used at apiaries.

(4) Combs with brood cells.

(5) Pollen for bee food.

(6) Any article or means of conveyance not listed in subsections (1), (2), (3), (4), or (5) of this section, that presents a risk of spreading the Varroa mite, when the person in possession of the article or means of conveyance is notified that it is subject to this section.

### NEW SECTION

WAC 16-470-610 VARROA MITE—AREA UNDER QUARANTINE—EXTERIOR. (1) The following are designated quarantined areas:

(a) The states of Florida, Illinois, Maine, Michigan, Mississippi, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin; and

(b) Any other state where Varroa mite has been found or evidence indicates that Varroa mite may exist in that state; and

(c) Any state that has not conducted a biologically sound Varroa mite survey of at least two percent of all known resident colonies.

(2) Less than an entire state may be accepted as a quarantined area if the Director determines that:

(a) The state has adopted and is enforcing restrictions on interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions on the movement of regulated articles as herein described; and

(b) The quarantine of less than an entire state will prevent the interstate and intrastate spread of the Varroa mite; and

(c) The state has conducted a biologically sound Varroa mite survey of a least five percent of all known resident colonies to determine the statewide presence or absence of Varroa mite; and

(d) The state has an ongoing, biologically sound Varroa mite survey.

(3) Any state that has eradicated a known infestation and a subsequent survey indicates varroa mite is not known to occur in the state, that state may be removed from the quarantine area.

#### NEW SECTION

**WAC 16-470-615 VARROA MITE—CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE.** (1) Any regulated article may be moved from a nonquarantined area into Washington state only if moved under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state, stating that the regulated article originated in an area where Varroa mite does not occur; and

(b) The point of origin of the regulated article is indicated on the accompanying waybill; and

(c) If the regulated article is moved through a quarantined area, it shall be moved either in an enclosed vehicle or netted, with no stops except those necessary under normal driving conditions, such as traffic lights, rest stops, and stop signs: PROVIDED, That if mechanical failure prolongs the stop by more than one day, the department shall be contacted (206-872-6480) by the vehicle operator.

(2) Any regulated article may be moved from a quarantined area into Washington state only under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state upon determining that the regulated article has been treated as provided in WAC 16-470-625 under the supervision of a state inspector, who shall be present during treatment; and

(b) The certificate shall specify the destination address, the responsible party or parties within Washington state, and the handling, utilization or processing of the regulated article; and

(c) The regulated article shall be moved as provided for in subsection (1)(b) and (c) of this section.

(3) Any regulated article may be moved without a certificate if moved:

(a) By the United States Department of Agriculture for scientific or experimental purposes with a United States Department of Agriculture permit; and

(b) Under the conditions specified on the United States Department of Agriculture permit; and

(c) With a tag or label, attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article, bearing the United States Department of Agriculture permit number issued for the regulated article; or

(d) As otherwise provided by the department.

(4) All regulated articles shall be moved in compliance with any additional emergency conditions that the United States Department of Agriculture may impose under 7 U.S.C. 150dd to prevent the spread of Varroa mite.

(5) The conditions, certificates and permits required in this section are in addition to those set forth in chapter 15.60 RCW, Apiaries.

#### NEW SECTION

**WAC 16-470-620 VARROA MITE—ATTACHMENT AND DISPOSITION OF CERTIFICATES.** (1) The certificate required for the movement of regulated articles into Washington state shall be attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article at all times during interstate movement; or the certificate may be attached to the consignee's copy of the accompanying waybill: PROVIDED, That the description of the regulated article on the waybill is sufficient to identify the regulated article.

(2) The carrier, shipper or handler shall furnish to the department a copy of the certificate authorizing the movement of the regulated article into Washington state. The copy of the certificate shall arrive at 1313 West Meeker, Suite 111, Kent, WA 98031 at least forty-eight hours before the regulated article arrives in Washington state.

(3) The consignee shall keep the waybill and certificate available for inspection by the department for a minimum of one year.

#### NEW SECTION

**WAC 16-470-625 VARROA MITE—TREATMENT.** Regulated articles shall be treated as provided for in this section unless otherwise required by the product label:

(1) Queen honey bee cages shall be treated as follows:

(a) Place a one inch by one-half inch, one percent fluvalinate strip in the bottom of the empty cage;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the queen and the attendants into the cage;

(d) Remove the fluvalinate strip seventy-two hours (three days) after placing the queen and her attendants into the cage;

(e) Protect the queen cage from reinfestation through contact with untreated regulated articles, and ship within forty-eight hours of the fluvalinate strip's removal.

(2) Packaged honey bees (two- to three-pound packages) shall be treated as follows: PROVIDED, That any queen cage which included in any package shall be treated in accordance with subsection (1) of this section:

(a) Using a wire or staple, suspend a five inch by one inch, two and one-half percent fluvalinate strip in an empty shipping cage and position the strip near the feeder;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the honey bees into the cage;

(d) Remove the fluvalinate strip one hundred and twenty hours (five days) after placing the honey bees into the cage;

(e) Protect the packaged honey bees from reinfestation through contact with untreated regulated article, and ship within forty-eight hours of the fluvalinate strip's removal.

(3) Hives shall be treated as follows:

(a) Remove supers;

(b) Remove the cover of the hive;

(c) Using a nail, suspend one ten inch by one and three-sixteenths inch, ten percent fluvalinate strip for each five frames covered with bees so that the strip or strips can hang between frames approximately two inches inside the outer edge of the bee cluster;

(d) Close the hive;

(e) Remove the fluvalinate strips five hundred and four hours (twenty-one days) after the insertion into the hive;

(f) Protect the treated hive from reinfestation through contact with untreated regulated articles and ship within forty-eight hours of the fluvalinate strip's removal.

(4) Any other regulated article shall be treated as follows:

(a) Hold and protect from reinfestation through contact with untreated regulated articles for seven days; or

(b) Apply steam to all surface areas of the regulated article in such a manner so as to remove all debris from the article; protect from reinfestation through contact with untreated regulated articles; and ship within forty-eight hours of treatment.

#### NEW SECTION

**WAC 16-470-630 VARROA MITE—AREA UNDER QUARANTINE—INTERIOR.** A quarantine area for Varroa mite containing approximately sixty-one square miles within Klickitat county is hereby established, and shall be that area of land lying between state Highway 97 on the west, Goldendale-Goodnoe Road on the north, Goodnoe Station Road on the east, and the Columbia River on the south. This described site is bordered by dry scab rock hills and mountains on the north, east and west, and the Columbia River to the south; and is determined to be a reasonable location for a quarantine area; and other locations in the county suitable to beekeeping are isolated at a reasonable distance to protect bees from contamination by the department quarantine bee yard sites; and historically and today, Klickitat county contains very few resident bees or apiculture operations and very little bee pasture.

#### NEW SECTION

**WAC 16-470-635 VARROA MITE—RESTRICTIONS—INTERIOR.** (1) To protect the national migratory beekeeping industry, all colonies leaving the state may be required to be certified as apparently free from Varroa mite prior to movement.

(2) Any apiculture operation located in the designated quarantine area of Klickitat county or honey bee colonies located therein shall not be removed therefrom until treated by the department as specified by the department and found free of Varroa mite.

(3) No colonies presently outside of the designated quarantine area boundaries in Klickitat county shall be moved into that designated quarantine area without the express permission of the department: PROVIDED, That colonies of bees shall be permitted to transit through the designated area as specified by the department to and from other locations.

(4) Any colonies found to be in Washington state without a Varroa mite-free certification as specified by the department may be required to be moved to the quarantine area of Klickitat county pending survey by the department, or as otherwise specified by the department.

(5) All colonies found with Varroa mite upon survey by the department may be required to be moved to the quarantine area of Klickitat county pending disposition procedures.

**WSR 88-12-084**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed June 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning Annual assessment—Procedure, amending WAC 458-50-070;

that the agency will at 10:00 a.m., Tuesday, July 5, 1988, in the Department of Revenue Office, 6004 Capitol Boulevard, Tumwater, 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 84.12.390.

The specific statute these rules are intended to implement is RCW 84.12.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 1988.

Dated: June 1, 1988  
 By: Linda L. Lethlean  
 Acting Assistant Director

**STATEMENT OF PURPOSE**

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: WAC 458-50-070 Annual assessment—Procedure.

Purpose: To establish 1988 dates for notifying companies of their value and dates for reviewing their value.

Statutory Authority: RCW 84.12.390 directs the Department of Revenue to make such rules and regulations as necessary to permit effective administration of the assessment and taxation of public utilities.

Summary and Reasons for the Rule: The department has the authority to make rules necessary to secure uniformity of the administration of the statute. As the current deadlines will not be met, it is best to determine when the dates are to be met and so notify all utility companies who will be treated uniformly for 1988.

Drafter of the Rule, Rule Implementation and Enforcement: C. Paul Hoff, 6004 South Capitol Boulevard, Tumwater, WA 98501, (206) 753-2216.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

Small Business Impact: None.

AMENDATORY SECTION (Amending Order PT 75-2, filed 3/19/75)

WAC 458-50-070 ANNUAL ASSESSMENT—PROCEDURE.

(1) In general. Annually between the fifteenth day of March and the first day of July the department shall proceed to list and value the operating property of each company subject to assessment by the department. The department shall prepare a report summarizing the information, factors and methods used in determining the tentative value of each such company (hereafter called "report of tentative value"). The department shall prepare an assessment roll upon which shall be placed after the name of each company a general description of the operating property of the company described in accordance with RCW 84.12.200~~((+7))~~ (16) and WAC 458-50-010, following which shall be entered the actual cash value as tentatively determined by the department.

(2) Notice of tentative value. On or before the thirtieth day of June, (for purposes of the 1988 assessment year only, such notice shall be given on or before the thirty-first day of July) the department shall notify each company by mail of the tentative valuation entered upon such assessment roll. At the time of making such notification, the department shall also transmit to the company the report of tentative value prepared by the department. Upon written request of a county assessor the department shall also transmit the report of tentative value to such assessor.

(3) Hearings.

~~((+A))~~ (a) In general. Each company may petition the department for a hearing relating to the value of its operating property as tentatively determined by the department and to the value of other taxable properties in the counties in which its operating property is situated. Such petition shall be made in writing and filed with the department on or before the ninth day of July. (For purposes of the 1988 assessment year only, such petition must be filed on or before the ninth day of August.) The department shall appoint a time between the tenth and twenty-fifth days of July, (for purposes of the 1988 assessment year only, the time frame specified shall be between the tenth and twenty-fifth days of August) for the conduct of such hearing, which may be held in such places throughout the state as the department may deem proper or necessary. Notice of the time and place of any or all hearings shall be given to any person upon request.

~~((+B))~~ (b) The hearing shall be conducted by the director or by any employee or agent of the department designated by the director. A record of the proceedings shall be kept and shall be considered a public record. The hearing shall be recorded with a recording device and the recordings shall become a part of the record of the proceedings and considered a part of the public record. All records and documents presented at the hearing shall become a part of the record of the proceeding and shall be considered a part of the public record, except as provided in (c) of this subsection ~~((+C), below)~~.

~~((+C))~~ (c) The hearing shall be open to the public, except (i) when the company proposes to offer in evidence information relating to its assessment if disclosure of such information to other persons would violate the company's right to privacy or would result in an unfair competitive disadvantage to such company; or (ii) when the department proposes to offer in evidence information which has been obtained pursuant to RCW 84.12.240 if the disclosure of such information to other persons would violate the company's right to privacy or would result in an unfair competitive disadvantage to such company. The hearing at this point shall be closed to the public unless the company consents to the proceeding remaining open to the public.

~~((+D))~~ (d) Testimony recorded, and all records and documents of a confidential nature introduced, during the period when the hearing is closed to the public shall become a part of the record, but shall not be disclosed except upon order of a court of competent jurisdiction or upon consent of the company.

~~((+E))~~ (e) Records of the proceedings shall be maintained for a period of seven years following the close of the hearing.

(4) Determination of final value. On or before the twentieth day of August, the department shall make a final determination of the true

and correct actual cash value of each company's operating property appearing on the assessment roll. The department may raise or lower the value from that amount tentatively set pursuant to ~~((WAC 458-50-070))~~ this section: PROVIDED, That failure of a company to request a hearing shall not preclude the department from setting a final value higher or lower than that amount tentatively set pursuant to ~~((WAC 458-50-070))~~ this section: PROVIDED FURTHER, That where a company has not requested a hearing, the department shall not adopt a final value higher than that tentatively set except after giving five days written notice to the company. The department shall notify each company by mail of the final true and correct actual cash value as determined by the department.

**WSR 88-12-085**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**  
[Order PT 88-7—Filed June 1, 1988]

I, William R. Wilkerson, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Annual Assessment—Procedure, amending WAC 458-50-070.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the dates to be set by this amended WAC 458-50-070, need to be in place for the 1988 assessment year. The first amended date of July thirty-first would be passed prior to the normal adoption process. This amendment is to secure uniformity for the public utilities in notification of their values and hearings process.

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

This rule is promulgated pursuant to RCW 84.12.340 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.12.390 which directs that the Department of Revenue has authority to implement the provisions of RCW 84.12.340.

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 June 1, 1988.

By Linda L. Lethlean  
Acting Assistant Director

**AMENDATORY SECTION** (Amending Order PT 75-2, filed 3/19/75)

**WAC 458-50-070 ANNUAL ASSESSMENT—PROCEDURE.** (1) *In general. Annually between the fifteenth day of March and the first day of July the department shall proceed to list and value the operating property of each company subject to assessment by the department. The department shall prepare a report summarizing the information, factors and methods used in determining the tentative value of each such company*

*(hereafter called "report of tentative value"). The department shall prepare an assessment roll upon which shall be placed after the name of each company a general description of the operating property of the company described in accordance with RCW 84.12.200(~~((17))~~) (16) and WAC 458-50-010, following which shall be entered the actual cash value as tentatively determined by the department.*

(2) *Notice of tentative value. On or before the thirtieth day of June, (for purposes of the 1988 assessment year only, such notice shall be given on or before the thirty-first day of July) the department shall notify each company by mail of the tentative valuation entered upon such assessment roll. At the time of making such notification, the department shall also transmit to the company the report of tentative value prepared by the department. Upon written request of a county assessor the department shall also transmit the report of tentative value to such assessor.*

(3) *Hearings.*

~~((A))~~ (a) *In general. Each company may petition the department for a hearing relating to the value of its operating property as tentatively determined by the department and to the value of other taxable properties in the counties in which its operating property is situated. Such petition shall be made in writing and filed with the department on or before the ninth day of July. (For purposes of the 1988 assessment year only, such petition must be filed on or before the ninth day of August.) The department shall appoint a time between the tenth and twenty-fifth days of July, (for purposes of the 1988 assessment year only, the time frame specified shall be between the tenth and twenty-fifth days of August) for the conduct of such hearing, which may be held in such places throughout the state as the department may deem proper or necessary. Notice of the time and place of any or all hearings shall be given to any person upon request.*

~~((B))~~ (b) *The hearing shall be conducted by the director or by any employee or agent of the department designated by the director. A record of the proceedings shall be kept and shall be considered a public record. The hearing shall be recorded with a recording device and the recordings shall become a part of the record of the proceedings and considered a part of the public record. All records and documents presented at the hearing shall become a part of the record of the proceeding and shall be considered a part of the public record, except as provided in (c) of this subsection (~~((C))~~, below).*

~~((C))~~ (c) *The hearing shall be open to the public, except (i) when the company proposes to offer in evidence information relating to its assessment if disclosure of such information to other persons would violate the company's right to privacy or would result in an unfair competitive disadvantage to such company, or (ii) when the department proposes to offer in evidence information which has been obtained pursuant to RCW 84.12.240 if the disclosure of such information to other persons would violate the company's right to privacy or would result in an unfair competitive disadvantage to such company. The hearing at this point shall be closed to the*

public unless the company consents to the proceeding remaining open to the public.

~~((D))~~ (d) Testimony recorded, and all records and documents of a confidential nature introduced, during the period when the hearing is closed to the public shall become a part of the record, but shall not be disclosed except upon order of a court of competent jurisdiction or upon consent of the company.

~~((E))~~ (e) Records of the proceedings shall be maintained for a period of seven years following the close of the hearing.

(4) Determination of final value. On or before the twentieth day of August, the department shall make a final determination of the true and correct actual cash value of each company's operating property appearing on the assessment roll. The department may raise or lower the value from that amount tentatively set pursuant to (~~WAC 458-50-070~~) this section: PROVIDED, That failure of a company to request a hearing shall not preclude the department from setting a final value higher or lower than that amount tentatively set pursuant to (~~WAC 458-50-070~~) this section: PROVIDED FURTHER, That where a company has not requested a hearing, the department shall not adopt a final value higher than that tentatively set except after giving five days written notice to the company. The department shall notify each company by mail of the final true and correct actual cash value as determined by the department.

**WSR 88-12-086**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2631—Filed June 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to General assistance—Eligibility—Standards of assistance—Payment, amending chapter 388-37 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Thurston County Superior Court judge has ordered the department to change certain provisions of the progressive evaluation process (PEP) used in determining incapacity for applicants and recipients of the general assistance unemployable (GAU) program.

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 chapter 74.09 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 June 1, 1988.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-110 DETERMINATION OF SEVERITY—GENERAL DEFINITIONS. (1) Severity of a medical impairment is defined as the degree to which an individual is restricted in ability to perform basic work-related activities as measured on a scale from one to five. The term medical impairment includes physical, mental, or emotional conditions and excludes alcoholism and drug addiction.

(2) Basic work-related activities are: Sitting, standing, walking, lifting, carrying, handling, seeing, hearing, communicating, and understanding and following instructions.

(3) The five severity ratings are defined as follows:

(a) A severity rating of "01" means no impairment has been identified by clear objective medical information. The ability to engage in the basic work-related activities is not restricted.

(b) A severity rating of "02" means a mild impairment exists which would not significantly interfere with the basic work-related activities.

(c) A severity rating of "03" means a moderate impairment exists, resulting in a significant interference with one or more of the basic work-related activities.

(d) A severity rating of "04" means a marked impairment exists, resulting in a very significant restriction of the ability to perform one or more of the basic work-related activities.

(e) A severity rating of "05" means the ability to perform one or more of the basic work-related activities is absent.

(4) One overall severity rating is determined for each individual based on an assessment of the severity of each diagnosed impairment and an assessment of whether the effect of multiple impairments significantly interferes with one or more basic work-related activities.

(a) Individuals with an overall severity rating of "01" or "02" shall be considered capable of gainful employment and shall not be eligible for GA-U, subject to the provisions in WAC 388-37-050(2).

(b) Individuals with an overall severity rating of "03" or "04" may or may not be incapacitated from gainful employment, depending on a further assessment of functional capacities and vocational factors.

(c) Individuals with an overall severity rating of "05" shall be considered incapacitated and eligible for GA-U.

(5) All decisions to deny incapacity based on the progressive evaluation process are subject to the provisions in WAC 388-37-050(2).

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-130 PROGRESSIVE EVALUATION PROCESS STEP III—SEVERITY OF PHYSICAL IMPAIRMENTS. (1) If a physical impairment is claimed, the severity rating of the physical disorder shall be determined on the basis of current medical evidence which provides an objective description of an individual's medical condition.

(2) Each diagnosed impairment shall be assigned a severity rating based on the following method:

(a) The examining physician's estimated severity rating will be used when the following three conditions are met:

(i) The doctor's rating is substantiated by and is consistent with the medical evidence provided; and

(ii) The doctor's assessment of functional capacities is consistent with the given severity rating as defined in WAC 388-37-110, and

(iii) No evidence to the contrary exists either within the same evaluation or another current evaluation on the same individual.

(b) When the doctor has not assigned a severity rating or that rating does not meet the conditions in (2)(a) of this subsection, the department shall assign a rating based on the medical assessment of functional capacities in conjunction with the severity ratings as defined in WAC 388-37-110.

(3) Based on the severity rating of each physical impairment, a determination of incapacity will be made as follows:

(a) An individual with no diagnosed mental impairments rate "02" or higher, and with only one physical impairment rated no higher than "02," and whose overall ((functioning)) functional level appears consistent with the rating, shall not be eligible for GA-U((-);

(b) An individual with a severity rating of "05" for any impairment, who meets the time limits in WAC 388-37-030(1), is eligible for GA-U, provided the overall functioning level appears consistent with this rating((-);

(c) An individual with only one physical impairment with a severity of "03" or "04" and no significant mental impairment must be evaluated to determine how functional capacity is affected by the physical impairment((-);

(d) The effect of multiple significant physical impairments or a combination of significant mental and physical impairments will be determined according to WAC 388-37-140.

AMENDATORY SECTION (Amending Order 2525, filed 8/21/87)

WAC 388-37-140 PROGRESSIVE EVALUATION PROCESS STEP IV—MULTIPLE IMPAIRMENTS. (1) When an ((applicant)) individual has two or more ((than one)) diagnosed impairments, each of which is rated ((^03^)) at least "02" or ((^04^)) greater, but none rated "05," ((one)) the overall rating shall be determined as follows:

(a) Each diagnosis shall be classified according to body system based upon International Classification of Diseases (ICD), 9th revision((-);

(b) If all the diagnosed impairments are classified within the same body system, the overall severity rating will be equal to the highest rated impairment within that system((-);

(c) Severity ratings assigned for alcoholism or drug addiction shall not be considered in this process.

(2) If more than one body system is involved (including mental disorders), the overall severity will be determined by the following, using the highest rating from each body system:

(a) An individual with at least two moderate impairments or at least one marked and one moderate impairment is considered to have an overall severity rating of "04((-);"

(b) An individual with at least two marked impairments is considered to have an overall severity rating of "05((-);"

(c) An individual with no individual impairments rated moderate or marked, but who has two or more impairments individually rated mild, shall be considered to have an overall severity rating of "03" if the cumulative effect of these impairments significantly interferes with one or more basic work-related activities.

(3) Based on the overall severity rating, a determination of incapacity is made as follows:

(a) An individual with an overall severity rating of "05," who meets the time limits in WAC 388-37-030(1) is eligible for GA-U((-);

(b) Individuals with a severity rating of "03" or "04" must be evaluated to determine how their multiple physical and/or mental impairments affect their functional capacity;

(c) Individuals with a severity rating of "02" shall be considered capable of gainful employment and ineligible for GA-U as provided under WAC 388-37-110 (4)(a).

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-160 PROGRESSIVE EVALUATION PROCESS STEP V—FUNCTIONAL CAPACITIES—PHYSICAL IMPAIRMENTS. For individuals with a physical impairment with an overall severity rating of "03" or "04," the department shall consider the effect of the physical impairment(s) on the ability to perform work-related activities. Functional capacities will be assessed on the basis of the individual's exertional, exertionally-related and nonexertional physical limitations. For any limitation to be considered, it must be substantiated by the medical evidence and directly related to the diagnosed impairment(s).

(1) Physical impairments which limit exertion are those which result in the restriction of activities such as standing, walking, lifting, and carrying. As defined in this section, ((occasional lifting)) occasionally means less than one-third of the time and ((frequent lifting)) frequently means one-third to two-thirds of the time. Levels of exertion are divided into the following four categories:



(a) Sedentary: A person is in this category when capable of lifting ten pounds maximum (~~or severely restricted in ability to stand and/or walk for a total of six hours in an eight-hour work day~~) and occasionally lifting and/or carrying such articles as docket, ledgers, and small tools. Although a sedentary job is one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are only required occasionally and other sedentary criteria are met.

(b) Light: A person is in this category when capable of (~~occasionally~~) lifting twenty pounds maximum with frequent lifting and/or carrying of objects weighing up to ten pounds (~~or moderately restricted in ability to stand and/or walk for a total of six hours in an eight-hour work day~~). Even though the weight lifted may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree, or when it involves sitting most of the time with a degree of pushing and pulling of arm and/or leg controls.

(c) Medium: A person is in this category when capable of (~~occasionally~~) lifting fifty pounds maximum with frequent lifting and/or carrying of objects weighing up to twenty-five pounds (~~and is unrestricted or mildly restricted in ability to stand and/or walk for a total of six hours in an eight-hour day~~).

(d) Heavy: A person is in this category when capable of (~~occasionally~~) lifting one hundred pounds (~~or more~~) maximum with frequent lifting and/or carrying of objects weighing up to fifty pounds (~~and is unrestricted in ability to stand and/or walk a total of six hours in an eight-hour work day~~).

(2) Physical impairments which may limit exertionally-related abilities are those which cause restrictions in mobility, agility or flexion, including balancing, handling, stooping, pulling, pushing, reaching, and sitting.

(3) Nonexertional physical limitations include any limitation not listed in subsections (1) and (2) of this section. These include, but are not limited to, sensory impairments, allergies, seizure disorders, etc., such as seeing, hearing, environmental restrictions, or ability to operate dangerous machinery.

(4) Based on an individual's physical exertional, exertionally-related and nonexertional limitations, an evaluation will be made of the individual's ability to perform relevant past work according to WAC 388-37-180.

#### AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-170 EVALUATION OF VOCATIONAL FACTORS FOR STEPS VI AND VII. (1) The vocational factors used in evaluating incapacity are age, education, (~~and~~) work experience, and transferrable skills.

(2) Vocational factors are considered only when an overall severity rating of an "03" or "04" has been determined.

(3) Educational factors refer primarily to formal schooling or other training which contributes to the individual's ability to meet vocational requirements. The

following classifications are used when evaluating the educational level of an individual:

(a) Illiteracy refers to the inability to read or write. An individual who is able to sign his or her name, but cannot read or write a simple communication (e.g., instructions, inventory lists) is considered illiterate. Generally, an illiterate person has little or no formal schooling (six years or less).

(b) Limited education. Absent evidence to the contrary, a seventh grade through the eleventh grade of formal education is considered a limited education.

(c) High school education and above. Absent evidence to the contrary, these educational capacities qualify an individual for work at a semi-skilled through skilled level of job complexity. A general education equivalency degree (GED) falls into this category.

(4) Work experience.

(a) Work experience is evaluated to see if it constitutes relevant past work. Relevant past work is any work normally done for pay or profit in the past five years. To be "relevant," a job must have been done for a period long enough to show that the worker had the ability to do that type of work on an ongoing basis (i.e., at least thirty days for unskilled work; at least three months for semi-skilled work; at least six months for skilled work).

(b) Jobs held for very brief periods of time (less than thirty days), work done in a sheltered workshop or with other special considerations, and the duties of a student or housewife are not counted as relevant work experience.

(c) A job history which includes many jobs held for short periods of time, even though long enough to meet the time criteria for the skill level of the job, may or may not constitute relevant past work. Consideration must be given to the reasons for frequent job changes and the nature of the work or skill involved.

(5) Transferrable skills.

(a) Transferrable skills shall mean those skills acquired in performing skilled or semi-skilled work activities in past work which can be used to meet the requirements of skilled or semi-skilled work activities in other jobs or kinds of work. A person does not gain work skills by doing unskilled jobs.

(b) The client is presumed to have transferrable skills for other work in the same occupational area or in another occupational area in which:

- (i) The same or lesser degree of skill is required; and
- (ii) The same or similar equipment is used; or
- (iii) The same or similar materials, products, processes, or services are involved.

(c) Make this determination based on a description by the client of the job performed using the following occupational areas as guidelines:

- (i) Managerial and administrative;
- (ii) Professional, paraprofessional, and technical;
- (iii) Sales;
- (iv) Clerical and administrative support;
- (v) Service;
- (vi) Agriculture, forestry, and fishing; and
- (vii) Production, construction, maintenance, and material moving.



(d) There are degrees of transferability of skills, ranging from very similar to incidental similarity. A complete similarity of all three factors in subsection (5)(b) of this section is not necessary for transferability. However, skills which are so specialized or acquired in an isolated vocational setting may not be transferrable.

**AMENDATORY SECTION** (Amending Order 2259, filed 7/24/85)

**WAC 388-37-190 PROGRESSIVE EVALUATION PROCESS STEP VII—ASSESSMENT OF CAPACITY TO PERFORM OTHER WORK.** (1) Individuals with a severity rating of "03" or "04" whose incapacity has not yet been determined by Step VI, shall be assessed for possible referral for an administrative review.

(2) The department shall approve GA-U for individuals who have a significant physical limitation and:

(a) Are limited to sedentary work; or

(b) Are limited to light work, and are:

(i) Age fifty or older; or

(ii) Age thirty-five or older and cannot speak, read, or write English; or

(iii) Age eighteen or older, with less than a twelfth grade education and no relevant past work; or

(c) Are limited to medium work, and are age fifty or older, with less than a twelfth grade education and no relevant past work; or

(d) Can do heavy work and are age fifty-five or older.

(3) The department shall approve GA-U for individuals who have a significant mental impairment, and:

(a) Are age fifty or older and have at least a "moderate" limitation in the ability to relate appropriately to coworkers and supervisors and a "marked" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting; or

(b) Are age eighteen to fifty-four and have a "severe" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting; or

(c) Are age eighteen to forty-nine and have a severity rating of "04" and at least one of the twelve symptoms identified in WAC 388-37-120(3) listed as "severe" and have a "moderate" limitation in the ability to relate appropriately to coworkers and supervisors and a "marked" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting.

(4) The department shall approve GA-U for the individual who has both a significant mental and a significant physical limitation when either of those impairments meet the criteria in subsections (2) and (3) of this section, except that:

(a) The age requirement in subsection (3)(a) of this section does not apply; and

(b) The individual may have relevant past work.

(5) All individuals who do not meet the criteria under subsection (2), (3), or (4) of this section (~~and who have either a significant mental or significant nonexertional physical impairment~~) shall have their incapacity determined by administrative review.

(a) This review will be performed by at least two departmental designees.

(b) Criteria for this review includes, but is not limited to, an assessment of all available medical information along with any vocational factors, including transferrable skills, which may ((pose a barrier to)) have an effect on employment.

(6) All individuals who do not meet the criteria under subsection (2), (3), (4), or (5) of this section are not considered incapacitated for GA-U.

**WSR 88-12-087**

**ADOPTED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(Institutions)**

[Order 2629—Filed June 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to IMR program and reimbursement system, amending chapter 275-38 WAC.

This action is taken pursuant to Notice No. WSR 88-07-122 filed with the code reviser on March 23, 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 74.09.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 1, 1988.

By Leslie F. James, Director  
Administrative Services

**Reviser's note:** The material contained in this filing will appear in the 88-13 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 88-12-088**

**ADOPTED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(Public Assistance)**

[Order 2628—Filed June 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to support services for assessment and employment and training programs in the family independence program, new chapter 388-78 WAC.

This action is taken pursuant to Notice No. WSR 88-06-078 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 Department of Social and Health Services as authorized in chapter 74.21 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 May 27, 1988.

By Leslie F. James, Director  
Administrative Services

Chapter 388-78 WAC  
SUPPORT SERVICES FOR ASSESSMENT AND  
EMPLOYMENT AND TRAINING PROGRAMS IN  
THE FAMILY INDEPENDENCE PROGRAM

NEW SECTION

WAC 388-78-005 GENERAL PROVISIONS. (1) The following rules are adopted under authority of chapter 74.21 RCW.

(2) All decisions related to eligibility, participation, and work and training activities are subject to fair hearing rules according to chapter 388-08 WAC.

NEW SECTION

WAC 388-78-010 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Assessment" means both a FIP orientation and an evaluation of the enrollee's readiness to pursue employment, education, or training and other services available to help the enrollee to achieve self-sufficiency. Normally, the orientation and the evaluation will each take one appointment.

(2) "Child care" means the selection and payment of appropriate day care resources to enable assessment and participation in the FIP self-sufficiency plan.

(3) "Department" means the department of social and health services.

(4) "Enrollee" means the head of household and/or family member of a family eligible to receive financial assistance or other services under the family independence program.

(5) "Fair hearing" means an administrative proceeding under chapter 34.04 RCW by which the office of administrative hearings hears and decides the appeal of an enrollee from an action or decision of the department.

(6) "FIP" means the family independence program pursuant to chapter 74.21 RCW.

(7) "Incapacity" for FIP means the existence of a physiological, emotional, and/or mental impairment, defect, illness, or loss which is supported by competent medical testimony and is of such a debilitating nature as to reduce substantially or eliminate the person's ability to support or care for his or her child or children. Criteria for determining incapacity are listed in WAC 388-77-230.

(8) "Participation" means the active pursuit by a FIP enrollee of employment and training plans agreed to in the self-sufficiency plan.

(9) "Self-sufficiency plan" means a written plan agreed to and signed by a FIP enrollee and the department that is intended to prepare the enrollee for long-term unsubsidized employment and economic independence.

NEW SECTION

WAC 388-78-015 SUPPORTIVE SOCIAL SERVICES. (1) The department shall provide supportive social services, within available funding, to an enrollee in the family independence program to enable his or her accomplishment of the self-sufficiency plan. These services may include, but are not limited to:

- (a) Child care;
- (b) Medical and dental assistance not otherwise available to a participant;
- (c) Parenting education;
- (d) Training in family responsibility and management skills;
- (e) Financial management counseling;
- (f) Family planning information and referral;
- (g) Mentor services; and
- (h) Personal counseling.

(2) The department shall refer enrollees to other departmental services and services of other agencies as judged necessary. These may include, but are not limited to:

- (a) Mental health services;
- (b) Vocational rehabilitation services;
- (c) Legal assistance;
- (d) Alcohol and substance abuse treatment resources;
- (e) Developmental disabilities services;
- (f) Displaced homemaker program services;
- (g) Child and adult protective services; and
- (h) Other community-based organization services.

(3) When the department of social and health services has approved funding to support an approved self-sufficiency plan, such funding shall continue, subject to annual review and available funding, for the duration of the enrollee's approved self-sufficiency plan.

NEW SECTION

WAC 388-78-020 SELF-SUFFICIENCY PLAN. (1) The department shall consult with employment security FIP staff, when requested, in the development of the self-sufficiency plan.

(2) The department shall provide social casework and referral services, when requested, to enable the enrollees to accomplish the self-sufficiency plan.

(3) The self-sufficiency plan is subject to the approval of the department of social and health services.

NEW SECTION

WAC 388-78-100 FIP EMPLOYMENT AND TRAINING REQUIREMENTS. (1) The department shall require all FIP enrollees to participate in assessment activities with the following exceptions:

(a) An enrollee who is on FIP assistance for the first time until the enrollee has been on FIP assistance for six months;

(b) A person under 16 years of age or over 64 years of age;

(c) A person over 16 years of age who is in high school;

(d) A person who is incapacitated, temporarily ill, or is needed at home to care for an impaired person; and

(e) A person who is in the third trimester of pregnancy.

(2) An enrollee exempt from mandatory assessment may volunteer for assessment.

(3) Enrollee participation beyond assessment in FIP employment and training programs is voluntary.

#### NEW SECTION

**WAC 388-78-120 GRIEVANCE PROCEDURE AND ADMINISTRATIVE REVIEWS AND APPEALS.** (1) An enrollee aggrieved by a decision of the department shall have the right to present a written grievance to the supervisor of the line worker.

(2) The supervisor shall make a decision on a grievance and notify the recipient in writing within 10 days of receipt of the grievance.

(3) The enrollee shall have the right to present the grievance in writing to the local office administrator if the enrollee is not satisfied with the decision of the supervisor.

(4) The local office administrator shall make a decision on a grievance and send the enrollee a written notice of the decision within 10 days of receipt of the grievance. This notice terminates the grievance procedure.

(5) The exercise of the right or the failure to exercise the right to pursue a grievance shall not in any way preclude or prejudice the exercise of any rights the enrollee may have under fair hearing, chapter 388-08 WAC.

(6) The department may choose to respond to the grievance by informing the enrollee that the department prefers to resolve the matter through the administrative or judicial review process if administrative or judicial review is pending on the same issue.

(7) An enrollee aggrieved by an action or decision of the department, including requiring or denying participation in a work, training, or education activity, has the right to request a fair hearing to be conducted by the office of administrative hearings in accordance with chapters 34.04 and 34.12 RCW. The aggrieved person is entitled to all fair hearing rights provided under RCW 74.08.070 and to rights of judicial review therefrom as provided in RCW 74.08.080.

#### NEW SECTION

**WAC 388-78-205 FIP CHILD CARE.** The department shall:

(1) Authorize and make child care payments necessary to enable an enrollee to work and to allow teenage parents to remain in school.

(2) Provide information to an enrollee about:

(a) Selection of child care providers;

(b) Community child care resources; and

(c) Child care subsidies available through the department.

(3) Subject to annual review, and within available funds, make child care payments as a part of an approved self-sufficiency plan for job search, training, and education until the enrollee is no longer eligible for FIP benefits.

#### NEW SECTION

**WAC 388-78-210 STANDARDS FOR CHILD CARE PROVIDERS.** (1) The department shall pay only child care providers who are in compliance with statutory licensing requirements.

(2) The department shall pay a school-operated child care program that demonstrates compliance with state child day care minimum licensing standards.

(3) The department shall pay an in-home child care provider only after:

(a) The department has provided the enrollee with information about the criteria for selecting an in-home child care provider. The criteria are that the provider be:

(i) Eighteen years of age or older;

(ii) Free of communicable disease;

(iii) Of sufficient physical, emotional, and mental health to meet the needs of the children in care;

(iv) Able to work with children without using physical punishment or psychological abuse; and

(v) Prompt and regular in-job attendance.

(b) A release is obtained for the department to initiate a criminal history/arrest record check.

#### NEW SECTION

**WAC 388-78-215 PAYMENT STANDARDS FOR CHILD CARE SERVICES.** (1) The department shall develop a payment system which includes:

(a) A rate that reflects the higher costs associated with providing care for infants, toddlers, and children with special needs;

(b) A rate that reflects geographic variations in the cost of care; and

(c) A process for periodic review of a rate. The process shall include:

(i) A survey of a prevailing child care rate; and

(ii) Creation of a rate advisory committee which shall make recommendations to the FIP executive committee.

(2) Payment for child care shall not exceed the maximum rate adopted by the FIP executive committee.

(3) The department shall not pay the father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister of the child for child care. Care by other relatives is considered in-home care whether provided in the relative's home or in the child's home.

(4) When a relative provides child care services as a licensed child care provider, the department shall pay the applicable out-of-home rate for the type of care.

(5) The department shall pay the enrollee when the enrollee selects in-home care. The enrollee shall pay the in-home caregiver the amounts authorized in the approved child care plan.

(6) When the anticipated payments to an in-home caregiver are fifty dollars or more in a calendar quarter, the department shall add the employer's share of the FICA tax to the amount authorized.

(7) The department shall issue an authorizing voucher to the parent and pay the provider, based on the terms of the voucher, when the enrollee selects out-of-home care.

#### NEW SECTION

WAC 388-78-220 CHILD DAY CARE CO-PAYMENTS. The department shall provide child care subsidies to an enrollee who has terminated from FIP cash assistance due to increased earnings, subject to the following limitations:

(1) The department shall provide services on a co-payment basis;

(2) Subsidization of child care services shall not extend more than 12 months following termination of cash assistance;

(3) An enrollee shall participate in the cost of care not to exceed 25 percent of the cost of care or 25 percent of the amount by which the family's income exceeds 135 percent of the benchmark, whichever is the lesser amount; and

(4) An enrollee shall pay the co-payment share of the child care costs directly to the child care provider.

**WSR 88-12-089**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2627—Filed June 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to voluntary prepaid health plans, amending WAC 388-86-009.

This action is taken pursuant to Notice No. WSR 88-09-078 filed with the code reviser on April 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 74.08.090 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.08 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 May 27, 1988.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2468, filed 2/19/87)

WAC 388-86-009 VOLUNTARY PREPAID HEALTH PLANS. (1) The department ((may)) shall

enter into agreements with prepaid health plans ((including, but not limited to:

- (a) ~~Health maintenance organizations (HMOs);~~
- (b) ~~Preferred provider organizations (PPOs); and~~
- (c) ~~Health insuring organizations (HIOs)).~~

(2) ((Recipients enrolled)) Enrollment in such plans ((are limited)) is voluntary and shall limit enrollees to the providers and services covered under these plans, except for:

- (a) ~~Services not included in the agreement; or~~
- (b) ~~Service delivery arrangements otherwise approved by the department ((or~~

(c) ~~Services which are immediately required due to an unforeseen injury, illness or condition)).~~

(3) ((Enrollment in these plans may be voluntary or mandatory depending on the requirements of the plan as determined by the department)) Primary care physician (PCP):

(a) Enrollees shall have a choice among the plan's PCPs when enrolling in the plan;

(b) Enrollees shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason; and (ii) For any subsequent change during the twelve-month period, the enrollee's rights shall be the same as the rights of all non-DSHS enrollees.

(4) ((A recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has the right to request a fair hearing if the decision is adverse or a written decision is not received within thirty days from the date the plan received the grievance)) Timely provision of services. Enrollees shall have the right to receive medically necessary care without unreasonable delay.

(5) ((Voluntary prepaid health plans with a stay-in provision shall have the following limitations:

(a) ~~Enrollment:~~

(i) ~~Enrollment periods shall be semi-annual one-month periods as determined by the department.~~

(ii) ~~The department shall enroll the recipient if the recipient's request for enrollment is received:~~

(A) ~~Within thirty days of certification for assistance; or~~

(B) ~~Within thirty days of the date of transfer into the service area; or~~

(C) ~~During an enrollment period.~~

(b) ~~Disenrollment:~~

(i) ~~The recipient may disenroll without cause:~~

(A) ~~During the first month of enrollment; or~~

(B) ~~During the semi-annual one-month enrollment period.~~

(ii) ~~The department shall disenroll the recipient if:~~

(A) ~~Eligibility for medical assistance is terminated; or~~

(B) ~~The recipient moves out of the area served by the prepaid health plan; or~~

(C) ~~The recipient demonstrates that he/she has good cause for disenrollment which shall include but not be limited to:~~

(1) ~~Medically necessary services are not reasonably available from or through the prepaid health plan; or~~

~~(H) The prepaid health plan has denied medically necessary services to the recipient; or~~

~~(HH) A change in circumstances results in geographical barriers making it unreasonably difficult for the recipient to obtain medically necessary services from or through the prepaid health plan))~~ Emergencies:

(a) For purposes of this section, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- (i) Placing the enrollee's health in serious jeopardy;
- (ii) Serious impairment to bodily functions; or
- (iii) Serious dysfunction of any bodily organ or part.

(b) The plan shall determine if an emergency exists and be financially responsible for the cost of that determination;

(c) When an emergency exists, an enrollee shall not be financially responsible for any services rendered;

(d) When an emergency does not exist, and the plan does not authorize further services, an enrollee shall be financially responsible for any further services received only if the enrollee's signed consent is obtained prior to the receipt of the services.

(6) Physician referral. When medically necessary, the PCP shall make a prompt referral to another plan physician or specialist.

(7) Second opinions. An enrollee shall have the right to a second opinion by another PCP or specialist within the plan:

(a) When an enrollee wants more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If an enrollee believes the plan is not authorizing medically necessary care.

(8) Quality assurance:

(a) Each plan shall have a quality assurance program;

(b) A medical director appointed by the plan shall be responsible for the plan's quality assurance program;

(c) The plan shall furnish the division of medical assistance with a copy of and the plan's response to all written grievances; and

(d) The department shall arrange on an annual basis for an independent external review of the quality of services provided or arranged by the plan.

(9) Termination:

(a) The department shall terminate enrollment of an enrollee in the prepaid health plan if an enrollee becomes ineligible for enrollment due to a change in circumstances;

(b) An enrollee shall have the right to request termination of enrollment in the plan without cause during any month of enrollment; and

(c) An enrollee shall receive covered services from the plan through the end of the month in which the termination is effective.

(10) Involuntary termination:

(a) The department shall terminate enrollment of an enrollee in the prepaid health plan if the plan establishes the enrollee's behavior:

(i) Is inconsistent with the plan's rules and regulations, such as intentional misconduct; or

(ii) Is such that it becomes medically nonfeasible to safely or prudently provide medical services.

(b) The plan shall not request involuntary termination of an enrollee solely due to an adverse change in the enrollee's health;

(c) The termination in subdivision (a) of this subsection shall not be effective unless:

(i) The plan sends a written request for an involuntary termination to the department; and

(ii) The department approves the termination.

(d) The department shall approve or disapprove the request for termination within thirty days of receipt of such request for termination;

(e) The department shall notify the enrollee ten days in advance of the effective date of disenrollment for any approved termination.

(11) Fair hearings. An enrollee aggrieved by a decision of the plan or the department has the right to a fair hearing as provided in chapter 388-08 WAC:

(a) Except as provided in subsection (b) of this section, an enrollee shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall provide for an expeditious resolution by plan personnel with authority to require corrective action. There shall be a written decision stating the basis for the decision within thirty days of receipt of the written grievance. An enrollee has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date the plan received the written grievance.

(b) In cases where the plan denies medical services an enrollee believes are urgently needed, an enrollee shall only be required to provide a written grievance to the plan prior to or at the time of requesting a fair hearing.

**WSR 88-12-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Filed June 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 Impact account—Criminal justice cost reimbursement, amending chapter 275-110 WAC;

that the agency will at 10:00 a.m., Tuesday, July 5, 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 July 6, 1988.

The authority under which these rules are proposed is RCW 72.72.040.

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 June 21, 1988. The meeting site is in a location which is barrier free.

Dated: May 27, 1988

By: Leslie F. James, Director  
Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045 regarding the amendment of WAC 275-110-050 - 275-110-080.

This rule change will revise rates at which certain municipalities and counties are reimbursed for incremental criminal justice costs incurred as a result of crimes committed by inmates of DSHS operated institutions. This rule change is necessary since the rates have not been revised since July 1, 1982. The proposed increase will help offset the effect of rising costs since 1982.

Statutory Authority: RCW 72.72.040.

The rates for certain criminal justice costs as outlined in WAC 275-110-050 - 275-110-080 shall be increased by 7.3%.

The initiator of this action is Carroll S. Dick, Chief, Office of Accounting Services, mailstop OB-24C, phone 753-7048.

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

#### AMENDATORY SECTION (Amending Order 1682, filed 7/20/81)

WAC 275-110-050 MAXIMUM ALLOWABLE REIMBURSEMENT FOR LAW ENFORCEMENT COSTS. The department shall limit reimbursement (~~(is limited)~~) to the specific political subdivisions listed in WAC 275-110-040. The maximum reimbursement rates (~~(are Twelve)~~) shall be seventeen dollars and (~~(thirty)~~) seventeen cents per hour for the period (~~(August 30, 1979)~~) July 1, 1988, through (~~(June 30, 1980, thirteen dollars and seventeen cents per hour for the period July 1, 1980, through May 31, 1981, fourteen dollars and fifty-one cents per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars per hour for the period July 1, 1982, through June 30, 1983)~~) June 30, 1989. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

#### AMENDATORY SECTION (Amending Order 1682, filed 7/20/81)

WAC 275-110-060 MAXIMUM ALLOWABLE REIMBURSEMENT FOR PROSECUTORIAL COSTS. (~~(Reimbursement)~~) The department shall reimburse, at the rate set forth in WAC 275-110-050, for pretrial investigations of crimes committed inside or outside institutions, impacting the political subdivision courts as set forth in WAC 275-110-040 (~~(shall be at the established rate for law enforcement efforts set forth in WAC 275-110-050)~~). If, after investigation, criminal charges are filed, the department may reimburse fully documented prosecutorial and defense attorney fees (~~(may be reimbursed)~~). Reimbursement shall not exceed the following rates for each attorney, said reimbursement to include costs for paralegals: (~~(Thirty)~~)

Forty-two dollars and forty-nine cents per hour for the period (~~(August 30, 1979)~~) July 1, 1988, through (~~(May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour for the period July 1, 1982, through June 30, 1983)~~) June 30, 1989. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

#### AMENDATORY SECTION (Amending Order 1682, filed 7/20/81)

WAC 275-110-070 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JUDICIAL COSTS. (1) The department shall limit judicial costs (~~(shall be)~~) strictly (~~(limited)~~) to cases involving inmates of institutions listed in WAC 275-110-040 and to political subdivisions listed in WAC 275-110-040 except that witness (other than expert) and jury fees are further limited as provided in subsection (3) of this section. Reimbursement (~~(is)~~) shall be limited to judges, court reporters, transcript typing, and witness and jury fees.

(2) (~~(Reimbursement for)~~) The department shall reimburse judges hearing cases including services provided by court clerks and bailiffs (~~(shall be reimbursed)~~) at (~~(thirty)~~) forty-two dollars and fifty-nine cents per hour (~~(for the period August 30, 1979, through May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour)~~) for the period (~~(July 1, 1982)~~) July 1, 1988, through (~~(June 30, 1983)~~) June 30, 1989. Reimburse court reporters (~~(shall be reimbursed)~~) at the rate of (~~(twelve)~~) seventeen dollars and (~~(fifty)~~) seventy-five cents per hour (~~(for the period August 30, 1979, through May 31, 1981, fifteen dollars per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars and fifty-four cents)~~) for the period (~~(July 1, 1982)~~) July 1, 1988, through (~~(June 30, 1983)~~) June 30, 1989. Reimburse required typing of transcripts (~~(shall be reimbursed)~~) at (~~(two dollars and fifty cents per page for the period August 30, 1979, through May 31, 1981, three dollars per page for the period June 1, 1981, through June 30, 1982, and)~~) three dollars and (~~(thirty-one)~~) fifty-five cents per page for the period (~~(July 1, 1982)~~) July 1, 1988, through (~~(June 30, 1983)~~) June 30, 1989. If required, reimburse expert witnesses (~~(shall be reimbursed)~~) at (~~(thirty)~~) fifty-nine dollars (~~(per hour for the period August 30, 1979, through May 31, 1981, fifty dollars and sixty cents per hour for the period June 1, 1981, through June 30, 1982, and fifty-five dollars)~~) and seventy cents per hour for the period (~~(July 1, 1982)~~) July 1, 1988, through (~~(June 30, 1983)~~) June 30, 1989.

(3) Reimbursement for witness fees (other than expert) and jury fees shall be at the rate established by the local governmental legislative authority but not in excess of (~~(twenty-five)~~) twenty-six dollars and eighty-three cents per day. The department shall limit reimbursement of costs of witness (other than expert) and jury fees (~~(shall be limited)~~) to those criminal cases involving offenders residing in a state adult or juvenile correctional institution.

(4) These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

#### AMENDATORY SECTION (Amending Order 1682, filed 7/20/81)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. The department shall limit jail facility cost reimbursement (~~(shall be)~~) strictly (~~(limited)~~) to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement (~~(must)~~) shall be fully documented and (~~(must)~~) shall include the inmate's name and all appropriate admission and release dates. Limit reimbursement (~~(shall be limited)~~) to (~~(three dollars and fifty cents per inmate day for the period August 30, 1979, through May 31, 1981, four dollars and twenty-one cents per inmate day for the period June 1, 1981, through June 30, 1982, and four)~~) five dollars and (~~(sixty-eight)~~) two cents per inmate day for the period (~~(July 1, 1982)~~) July 1, 1988, through (~~(June 30, 1983)~~) June 30, 1989. (~~(Reimbursement shall not be made)~~) The department shall not reimburse for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. The department shall reimburse costs of providing security when inmates require hospitalization (~~(will be reimbursed)~~) at the rate of (~~(nine dollars per hour for the period August 30, 1979, through May 31, 1981, nine dollars and ninety-one cents per hour for the period June 1, 1981, through June 30, 1982, and ten)~~) eleven dollars and (~~(ninety-three)~~) seventy-three cents per hour for the period (~~(July 1, 1982)~~) July 1, 1988, through (~~(June 30, 1983)~~)

June 30, 1989. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

**WSR 88-12-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed June 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 food stamp assistance, amending chapter 388-49 WAC;

that the agency will at 10:00 a.m., Tuesday, July 5, 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 July 6, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 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 June 21, 1988. The meeting site is in a location which is barrier free.

Dated: May 27, 1988  
 By: Leslie F. James, Director  
 Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.025.

This amendment is to WAC 388-49-520 and 388-49-530 and adds new sections WAC 388-49-515 and 388-49-535.

Purpose of the Amendment: To delete retrospective eligibility rules and clarify prospective budgeting rules, bringing the WAC rules into compliance with the Code of Federal Regulations.

Summary: WAC 388-49-515 is added describing prospective eligibility; WAC 388-49-520 clarifies that when budgeting income, the department shall also budget deductions prospectively. It also clarifies that an additional public assistance payment is to be budgeted prospectively if possible, and if not, retrospectively; WAC

388-49-530 removes reference to retrospective eligibility and makes other minor editorial changes; and WAC 388-49-535 is added describing budgeting income under special circumstances.

Person Responsible for the Amendment: Mary Rose Trepanier, Community Services Program Manager, Division of Income Assistance, OB-31C, 234-4912 scan.

These rules are necessary as a result of federal law, 7 CFR 273.21 (a)(2).

**NEW SECTION**

WAC 388-49-515 **ELIGIBILITY DETERMINATIONS.** The department shall:

(1) Determine eligibility prospectively for each issuance month for all households;

(2) Budget income for eligible households prospectively or retrospectively according to WAC 388-49-520, 388-49-530, or 388-49-535 after eligibility has been determined for each month; and

(3) Provide appropriate notice to the household as described in WAC 388-49-600.

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

WAC 388-49-520 **PROSPECTIVE INCOME ((ELIGIBILITY)) BUDGETING.** (1) The department shall ((determine eligibility)) budget income prospectively for:

(a) Migrant households ((during the certification period)); and  
 (b) Households in which all adult members are elderly or disabled and have no earned income((-and)).

(2) The department shall budget the following income prospectively:

(a) Monthly student financial aid, except for work study;

(b) Public assistance; and

(c) Income from a new household member for the first two months of participation when:

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

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

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

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

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

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

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

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

(4) ~~Budget student work study retrospectively.~~

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

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

(a) All households except those described in ((subsection (1) of this ((section;)) WAC 388-49-520(1); and

(b) ((AH)) Types of income ((except those)) described in ((subsection (2) and (3) of this section)) WAC 388-49-520(2).

((7)) ~~For prospective budgeting:~~

(a) ~~Count income already received and income which can be reasonably anticipated to be received by the household during the month of application;~~

(b) ~~Count only the income which can be reasonably anticipated to be received during the second beginning month;~~

(c) ~~Annualize self-employment income which is received other than monthly; and~~

(d) ~~Average contractual income except for migrant households;~~

(8) ~~For retrospective budgeting:~~

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

~~(b)) (2) Consider income exclusions and deductions retrospectively when budgeting income retrospectively.~~

~~(3) Use the household composition as of the last day of the budget month unless a member leaves or enters the household during the process month. See WAC 388-49-610 for rules when deleting or adding a member.~~

~~(4) Disregard income received in a beginning month ((for one month)) if the income was:~~

~~((f)) (a) From a source no longer providing income to the household; and~~

~~((f)) (b) Included in the household's prospective budget.~~

~~((e)) (5) Disregard income received from a discontinued source by a nonassistance household member if that member:~~

~~((f)) (a) Applies for and begins to receive a public assistance grant((:)); and~~

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

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

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

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

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

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

~~(10) Budget income deductions by:~~

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

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

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

~~(i) Has expenses that fluctuate or are billed less often than monthly; and~~

~~(ii) Chooses to have the expenses averaged.))~~

**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 388-49-535 SPECIAL CIRCUMSTANCES—INCOME BUDGETING. The department shall:

(1) Budget additional public assistance payments either prospectively or retrospectively, using only the amount authorized for the month the income is received.

(2) Annualize and then prorate the following income to determine eligibility and benefit levels in the beginning months if:

(a) Self-employment income is received other than monthly; and

(b) Income received by contract is in less than one year.

(c) After the first beginning months, the department shall use actual income received in the corresponding budget month.

(3) When a participating household member establishes a new household;

(a) Remove that member from the prior household; and

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

(4) Consider either prospectively or retrospectively over the period the expense is intended to cover, expenses that have been averaged if the household:

(a) Has expenses that fluctuate or are billed less often than monthly; and

(b) Chooses to have the expenses averaged.

(5) When adding or deleting a household member, add or delete that person's income, following change of circumstance rules in WAC 388-49-610.

(6) Consider income deductions retrospectively in households having income budgeted both prospectively and retrospectively.

**WSR 88-12-092**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed June 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 Changes—Prospective budgeting and changes—Retrospective budgeting, amending WAC 388-49-610 and 388-49-620;

that the agency will at 10:00 a.m., Tuesday, July 5, 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 July 6, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 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 June 21, 1988. The meeting site is in a location which is barrier free.

Dated: May 27, 1988

By: Leslie F. James, Director  
Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: WAC 388-49-610 and 388-49-620.

Purpose of the Rule Change: To clarify treatment of household members receiving food stamps.

Reason this Rule Change is Necessary: To clarify the above situation.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: When adding or deleting a person in the food stamp program household, prospective eligibility and budgeting rules are to be used.

Person Responsible for Rule Drafting and Implementation: Mary Rose Trepanier, CSPM, Division of Income Assistance, 234-4912 scan, OB-31C.

These rules are necessary as a result of federal law, 7 CFR 273.21 (a)(2).



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

WAC 388-49-610 CHANGES—PROSPECTIVE BUDGETING. (1) The department shall act on changes occurring in the first beginning month ~~((or)), changes for households ((consisting solely of migrants or elderly or disabled individuals without earned income and affecting))~~ described in WAC 388-49-520(1), and changes in the income described in WAC 388-49-520(2) which affect benefit increases as follows:

(a) If the change is verified within ten days after the change is reported, budget the change for the next allotment~~((:)); or~~

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

(2) The department shall act on changes affecting a benefit decrease ~~((with the next allotment after the))~~ following adverse action ~~((period ends))~~ notice rules in WAC 388-49-600 unless the household requests:

(a) A fair hearing~~((:)); and~~

(b) Continuation of benefits.

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

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

~~((+))~~ that the addition or deletion of a household member and his or her income shall be ~~((effective as provided in WAC 388-49-610, and~~

~~((2) Changes in public assistance grants and supplemental security income occurring in the payment month shall be effective in the payment month))~~ considered prospectively.

**WSR 88-12-093****ADOPTED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 2630—Filed June 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to family independence program, amending chapter 388-77 WAC.

This action is taken pursuant to Notice No. WSR 88-09-079 filed with the code reviser on April 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 under the general rule-making authority of the Department of Social and Health Services as authorized in chapter 74.21 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 June 1, 1988.

By Leslie F. James, Director  
Administrative Services

## Chapter 388-77 WAC

## FAMILY INDEPENDENCE PROGRAM

NEW SECTION

WAC 388-77-005 GENERAL PROVISIONS. (1) The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.

(2) In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:

(a) The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP; and

(b) The food stamp program for the food assistance portion of FIP.

(3) The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.

(4) The department shall designate those geographic areas where FIP is to be implemented.

(5) The department shall enroll eligible households residing in a designated FIP geographic area in FIP at application, at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:

(a) An applicant who has received AFDC within ninety days prior to application shall not be converted to FIP. If eligible, the household shall be authorized AFDC;

(b) AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.

(6) FIP enrollees transferring from a FIP to a non-FIP geographic area shall have the option to retain their FIP status if there is a FIP CSO in the county to which they transferred. Such enrollees wishing to remain in FIP shall report to, have their eligibility maintained by and services provided by, the FIP CSO in the county to which they transferred.

(7) Prior to denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

NEW SECTION

WAC 388-77-010 DEFINITION. Unless the context clearly requires otherwise, the definitions in WAC 388-77-010 apply throughout chapter 388-77 WAC. When using the definition for child, parent, stepparent, etc., this can stand for either singular or plural. Other definitions applicable to FIP are contained in chapters 388-22 and 388-49 WAC.

(1) "Assessment" means both a FIP orientation and an evaluation of the enrollee's readiness to pursue employment, education, or training and other services available to help the enrollee to achieve self-sufficiency. Normally, the orientation and the evaluation will each take one appointment.

(2) "Benchmark standard" means the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus food cash assistance as determined in WAC 388-77-820.

(3) "Dependent" means spouse, minor children or stepchildren, full-time students eighteen years of age

and under nineteen years of age who are reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached.

(4) "Enrollee" means the head of household and/or family member of a family eligible to receive FIP cash assistance or other services under the family independence program.

(5) "Transitional benefits" means noncash benefits the enrollee is eligible to receive after eligibility for cash assistance no longer exists because of increased earnings.

(6) "Family independence program" means a demonstration project which remains within the AFDC system under Title IV of the federal Social Security Act and the Food Stamp Act.

(7) "Family independence program services" includes job readiness programs, job development, employment, work programs, training, education, family planning services, development of mentor programs, income and medical support, parenting education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

(8) "FIP cash assistance" means the IV-A payment for the grant, additional requirements, and incentive and/or the cash equivalent for food stamps.

(9) "FIP noncash benefits" means benefits, such as medical or child care.

(10) "Full-time employment" means working one hundred fifty or more hours per month.

(11) "Half-time employment" means working seventy-five or more hours, but less than one hundred fifty hours, per month.

(12) "Incapacity" for FIP means the existence of a physiological, emotional, and/or mental impairment, defect, illness, or loss which is supported by competent medical testimony and is of such a debilitating nature as to reduce substantially or eliminate the person's ability to support or care for his or her child or children.

(13) "Incentive benefit payments" means those additional benefits payable to enrollees due to their participation in education, training, work programs, or employment.

(14) "Job" means a regularly performed lawful activity which generates a cash benefit for the enrollee.

(15) "Overpayment" means FIP cash assistance including food assistance, and/or medical benefits, received by the FIP assistance unit in excess of the amount for which the unit was eligible. An overpayment includes:

(a) "Intentional overpayment" means an overpayment resulting from a willful or knowing intent of the enrollee to receive or retain benefits to which the enrollee is not entitled;

(b) "Unintentional overpayment" means an overpayment that is not attributed to the applicant's/enrollee's willful intent to defraud the department.

(16) "Qualifying parent" means the parent in a two-parent household who earned the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.

(17) "Self-sufficiency plan" means a written agreement between the employment security department or the department and the enrollee that may include activities specifically undertaken for self-support, and other items outlined in the employability plan or social services plan.

(18) "Subsidized employment" means employment for which FIP has provided the employer the financial resources, in whole or in part, to compensate an enrollee for the performance of work.

#### NEW SECTION

WAC 388-77-015 APPLICATIONS AND ASSESSMENT. Application requirements for the Title IV-A portion of FIP shall be the same as for AFDC in WAC 388-38-030 through 388-38-200 and the same as the food stamp program for FIP food assistance except:

(1) FIP enrollees shall be asked to voluntarily cooperate in the FIP assessment at application or at conversion to FIP;

(2) FIP applicants shall submit a completed FIP application; and

(3) FIP enrollees may receive services at a local office outside the geographic area in which he or she lives as provided in WAC 388-77-005(6).

#### NEW SECTION

WAC 388-77-045 VERIFICATION. (1) The department shall limit verification to:

- (a) Name,
- (b) Social security number,
- (c) Alien status,
- (d) Income.

(2) Notwithstanding subsection (1) of this section, the department shall verify all other factors of basic eligibility when:

(a) Information contradicts or conflicts with other statements made by the applicant/enrollee; or

(b) The department receives information from a third-party source that contradicts or conflicts with other statements made by the applicant/enrollee; or

(c) Professional judgment would cause the worker to question the accuracy of the information.

(3) The department shall not require the applicant/enrollee to provide a specific type of verification if the information available is sufficient;

(4) The department shall request verification documents which are the most readily available if such documents would be sufficient to determine eligibility.

(5) Costs of necessary verification shall be paid by the department.

#### NEW SECTION

WAC 388-77-200 FAMILY INDEPENDENCE PROGRAM (FIP)—SUMMARY OF TITLE IV-A

**ELIGIBILITY CONDITIONS.** The department shall grant FIP benefits on behalf of a needy child:

- (1) Who is under the age of eighteen years;
- (a) FIP benefits may be granted to a pregnant woman in any trimester with no other children;
- (b) FIP benefits shall continue through the month the eligible child reaches the maximum age.
- (2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington;
- (3) Who is living in the home of a relative of specified degree, except for a temporary period, or who, as a result of judicial action, was removed from his or her home and placed in foster care, and who meets the conditions specified in WAC 388-24-207;
- (4) Who, if living with both parents when neither is incapacitated, meets the conditions in WAC 388-77-240;
- (5) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States;
- (6) Whose parent or stepparent has not transferred property contrary to law or WAC 388-24-457 through 388-24-465;
- (7) Who is in financial need according to WAC 388-77-500;
- (8) Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month when the child becomes nineteen years of age. The school or training requirement shall not apply to a parent eighteen years of age and under nineteen years of age.
- (9) For persons to be included in the FIP assistance unit, see WAC 388-77-210.

#### NEW SECTION

WAC 388-77-210 ASSISTANCE UNIT. Assistance units for the Title IV-A portion of FIP shall be the same as for the AFDC program in WAC 388-24-050 except to include a pregnant woman with no other dependent children in the first or second trimester.

#### NEW SECTION

WAC 388-77-230 FAMILY INDEPENDENCE PROGRAM—INCAPACITY CRITERIA. (1) The department shall consider a child denied of parental support and care by reason of parental incapacity when he or she lives with two natural, adoptive, or stepparents when:

- (a) One or both parents are incapacitated; and
  - (b) The incapacity is expected to last for a period of thirty days or more from the date of application or redetermination.
- (2) The department shall deem an incapacity to exist when the impairment and the prognosis are supported by evidence from a qualified medical professional, including, but not limited to:
- (a) A licensed physician;
  - (b) A licensed clinical psychologist;

(c) A certified registered nurse (RN) if within the area of certification;

(d) The chief of medical administration or his or her designee of the Veteran's Administration as authorized by federal law;

(e) A mental health professional designated by the local community mental health agency as defined in RCW 71.05.020; or

(f) A certified substance abuse counselor.

(3) The department shall:

(a) Consider the applicant/enrollee incapacitated when competent medical testimony confirms the existence of the incapacitating condition;

(b) Make a decision confirming or denying the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency such as delay on the part of the applicant, the qualified medical professional, or other source of documentation;

(c) Request additional information when necessary;

(d) Confirm probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence, but shall not exceed twelve months without a redetermination of incapacity.

(4) The department shall consider an individual incapacitated if the impairment:

(a) Reduces substantially or eliminates the parent's ability to care for the child;

(b) Is the reason employers refuse to employ the parent for work he or she could do. This includes behavioral disorders and other impairments interfering with the securing and maintaining of employment;

(c) Prevents the parent from working full time:

(i) At a job in which he or she has customarily engaged; and

(ii) On another job for which he or she is equipped by education, training, or experience; or

(iii) On a job which can be learned by on-the-job training.

(d) Prevents the parent from accomplishing as much on a job as a regular employee and is the reason he or she is paid on a reduced basis even though working full time; or

(e) Qualifies the parent for placement in a job which is rehabilitative, therapeutic, or in a sheltered workshop not considered to be a competitive full-time job and he or she is placed in such a job.

(5) Eligibility cannot be established if an applicant or enrollee fails to cooperate in obtaining information documenting incapacity.

(6) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

#### NEW SECTION

WAC 388-77-240 FIP—ELIGIBILITY FOR QUALIFYING A PARENT. (1) A child residing with two parents, when neither is incapacitated, shall be eligible for FIP when the qualifying parent:

(a) Is not employed more than one hundred hours a month except for intermittent temporary jobs; and

(b) Has been unemployed for at least thirty days prior to the date FIP is authorized; and

(c) Has not refused a bona fide offer of employment or training for employment; or

(d) Has not voluntarily left a job without good cause during the thirty days prior to the date FIP is authorized; or

(e) Has not refused to apply for or accept unemployment compensation, if eligible.

(2) The qualifying parent is that parent earning the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.

(a) The household shall designate the qualifying parent if both parents earned an identical amount of income, or had no earnings.

(b) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance.

(3) The department shall consider the following conditions good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the qualifying parent to satisfactorily perform the work required;

(b) Inability of the qualifying parent to get to and from the job without undue cost or hardships to them;

(c) The nature of the work would be hazardous to the qualifying parent;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute; or

(f) Adequate child care is not available.

(4) The child shall be residing with both parents except that one parent may be temporarily absent for up to ninety days to search for employment with the expectation of continuing to reside with the family.

(5) FIP shall not be denied or terminated solely because the qualifying parent works over one hundred hours while participating in:

(a) Institutional work experience training; or

(b) A public service employment and training program.

#### NEW SECTION

**WAC 388-77-255 FIP—EMPLOYMENT AND TRAINING REQUIREMENTS.** The department shall ask all FIP enrollees to voluntarily cooperate in assessment activities with the following exceptions:

(1) An enrollee who is on FIP assistance for the first time and until he or she has been on FIP assistance for six months;

(2) A person under sixteen years of age or sixty-five years of age or older;

(3) A person sixteen years of age or over who is in high school;

(4) A person who is incapacitated, temporarily ill, or is needed at home to care for an impaired person; and

(5) A person who is in the third trimester of pregnancy.

#### NEW SECTION

**WAC 388-77-270 SUPPORT.** (1) FIP applicants/enrollees shall be subject to the provisions of chapters 388-11, 388-13, and 388-14 WAC to the same extent as applicants/recipients of AFDC except as provided in subsection (2) of this section.

(2) All FIP grant and child care expenditures paid to or on behalf of a FIP enrollee, except medical, the cash value of food stamps, and child care expenditures provided under WAC 388-77-737 are covered by the assignment of support under WAC 388-14-200.

#### NEW SECTION

**WAC 388-77-285 ASSISTANCE TO MINORS.** (1) The department shall determine eligibility according to WAC 388-77-200 through 388-77-280 if a minor applies for assistance for himself or herself.

(2) Parental consent is not required if an unmarried pregnant minor is requesting medical care. The following applies:

(a) The decision to proceed with medical care rests solely with the minor; and

(b) Involvement and/or consultation with the parent in reaching this decision shall be a matter of individual case judgment.

(3) The department shall not establish the financial eligibility of a minor without determining the parent's ability and willingness to give financial support. See WAC 388-83-130 for responsibility for medical care.

(4) Parental contact is not required when the minor applicant:

(a) Is married; or

(b) Is in the military service; or

(c) Has been declared emancipated by the court of competent jurisdiction prior to applying for assistance; and

(d) Is applying for medical assistance related to pregnancy.

(5) The department shall inform the minor applicant there will be communication with the parent or parents during the period of eligibility determination.

(6) The department shall establish the assistance unit of the minor parent according to WAC 388-77-210 if a minor parent and the minor parent's child reside with the minor's parent.

(7) The department shall consider the income of such parent available to meet the needs of the minor parent as specified in WAC 388-77-210 if the minor parent's parent is not included in the assistance unit of the minor parent.

(8) The department shall treat the legal guardian's income as available to meet the needs of the minor parent if a minor parent's legal guardian has a court-ordered responsibility for the support of such minor parent.

#### NEW SECTION

**WAC 388-77-320 RESOURCES—EXEMPT.** In addition to those exempted under aid to families with dependent children in WAC 388-28-005 through 388-

28-474 and 388-28-575, the department shall exempt the following resources for FIP Title IV-A assistance:

- (1) The cash surrender value of life insurance;
- (2) The cash surrender value of burial plots and pre-paid funeral agreements;
- (3) Nonexempt real property as long as the enrollee is making a good faith effort to sell the property.

#### NEW SECTION

WAC 388-77-500 INCOME—DETERMINATION OF NEED. (1) An applicant is not eligible for FIP cash assistance if nonexempt gross monthly income less disregards, as specified in AFDC, exceeds the payment standard and authorized additional requirements for AFDC in effect at the time of application:

(a) The department shall not apply the one hundred eighty-five percent gross income test in WAC 388-28-484(7) to the income of FIP applicants; and

(b) For the purpose of subsection (1) of this section, an applicant shall not have been a recipient of AFDC or an enrollee of FIP for ninety days prior to application.

(2) For FIP enrollees, the AFDC one hundred eighty-five percent gross income test and the AFDC payment standard test shall not apply.

(3) An enrollee shall not be eligible for IV-A FIP cash assistance if nonexempt monthly income less disregards exceeds the totals of:

(a) The payment standard for AFDC for the appropriate household size;

(b) Applicable incentives; and

(c) Authorized additional requirements.

(4) An enrollee shall not be eligible for FIP cash assistance when nonexempt income less deductions exceeds the benchmark plus applicable incentives and authorized additional requirements. For the purpose of subsection (4) of this section, the food assistance amount used in the benchmark shall be calculated at eighty percent of the thrifty food plan.

(5) The department shall determine the exempt or nonexempt status of all income.

#### NEW SECTION

WAC 388-77-515 INCOME—EXEMPT. In addition to income exempted under the AFDC program in chapter 388-28 WAC, the department shall exempt the following income from FIP:

- (1) Higher education benefits;
- (2) Earned income tax credit (EIC);
- (3) The earnings of a child under eighteen years of age;
- (4) Retroactive FIP benefits;
- (5) Income tax refunds;
- (6) Loans, if there is a written agreement to repay;
- (7) Income in-kind; and
- (8) Gifts.

#### NEW SECTION

WAC 388-77-520 INCOME—DEDUCTIONS. In computing income for FIP Title IV-A assistance, the only deduction the department shall allow is ten percent from gross earned income.

#### NEW SECTION

WAC 388-77-525 INCOME—SELF-EMPLOYMENT. Notwithstanding WAC 388-77-520, in addition to those self-employment expenses deducted for AFDC, the department shall deduct income used for capital expenditures which are included as part of a self-sufficiency plan.

#### NEW SECTION

WAC 388-77-555 EARNED INCOME REPORTING. (1) The department shall send employed enrollees a form to report their gross earnings and hours worked. This section shall not apply to an employed child.

(2) Approved applicants who are employed shall begin to report their earnings and hours worked the month following the month of opening.

(3) Newly employed enrollees shall report earnings and hours worked in writing beginning the month following the month the department becomes aware of the earnings.

(4) The department shall:

(a) Issue advance and adequate notice of suspension and termination to an enrollee who fails to submit a written report and verify earned income and hours worked by the tenth of the process month;

(b) Suspend FIP cash assistance if an enrollee fails to submit a written report and verify earned income and hours worked by the end of the process month;

(c) Terminate FIP assistance if an enrollee fails to submit a written report and verify earned income and hours worked by the end of the payment month. Assistance shall be terminated effective the end of the payment month; however, cash assistance shall not be provided for the payment month; and

(d) Reinstate assistance to the start of the payment month, suspend or terminate FIP assistance as appropriate when earned income and hours worked are reported and necessary verification is provided by the end of the payment month, and give advance and adequate notice of the action taken.

(5) Earned income reporting shall apply to both the Title IV-A and food assistance portions of FIP in place of mandatory monthly reporting.

#### NEW SECTION

WAC 388-77-600 STANDARDS OF ASSISTANCE—HOLD HARMLESS. (1) The department shall ensure no applicant or enrollee of FIP receives less financial assistance than he or she would otherwise have been entitled to receive as a sum of the AFDC and food stamp programs under the rules in effect January 1, 1988, and as adjusted to reflect all increases in:

(a) The federal food stamp allotment and deductions; and

(b) The Washington state payment standard for AFDC.

(2) The department shall compare the amount the household would have received under the AFDC program (excluding the allowance for the child care) with the FIP IV-A payment. If the AFDC payment amount

is greater, the department shall issue a supplement to bring the FIP IV-A payment up to the amount the household would have received on AFDC.

#### NEW SECTION

WAC 388-77-605 STANDARDS OF ASSISTANCE—BENCHMARK STANDARD. The benchmark standard for FIP assistance units shall be equal to the sum of the applicable AFDC payment standard for households with shelter costs plus food cash assistance as determined in WAC 388-77-820.

#### NEW SECTION

WAC 388-77-610 STANDARDS OF ASSISTANCE—INCENTIVE STANDARDS. (1) The department shall provide enrollees who are teen parents in high school or enrollees who are employed with incentive benefits as follows:

(a) Five percent of the benchmark standard for pregnant or parenting teenage parents who stay in:

(i) High school and progress toward graduation; and  
(ii) Participate, when available, in parenting education approved by the office of the superintendent of public instruction or the department.

(b) Fifteen percent of the benchmark standard for enrollees working half time;

(c) Thirty-five percent of the benchmark standard for enrollees working full-time.

(2) The department shall provide other FIP enrollees participating in education or training programs approved by ESD or the department with incentive benefits equaling five percent of the benchmark standard.

(3) Self-employed enrollees shall be entitled to fifteen percent or thirty-five percent of the benchmark standard based on hours worked as computed by dividing the enrollee's net income by the federal minimum wage.

(4) Participation in job search skills development or job search activities shall not qualify an enrollee for an incentive under WAC 388-77-610.

(5) The department shall not allow more than one incentive per assistance unit. The incentive shall be allowed at the highest level for which the assistance unit qualifies.

(6) The department shall round incentive payments down to the nearest dollar.

(7) The department shall provide incentives to correspond with the budgeting of income.

(8) For the purposes of the incentive computation, the food assistance amount used in the benchmark shall be calculated at eighty percent of the thrifty food plan. The department shall round the product of the calculation of the eighty percent of the thrifty food plan down to the nearest dollar.

#### NEW SECTION

WAC 388-77-615 STANDARDS OF ASSISTANCE—PAYMENT AMOUNTS. (1) To determine FIP Title IV-A cash assistance, the department shall deduct nonexempt income, less disregards, from the sum of the applicable AFDC payment standard, the incentive, and authorized additional requirements:

(a) The department shall not pay grants less than one dollar; and

(b) The department shall round the amount to be issued down to the nearest dollar.

(2) Payment amounts for enrollees, not in their own home, shall be as in WAC 388-29-125 through 388-29-280.

#### NEW SECTION

WAC 388-77-735 SUSPENSION OF FIP CASH ASSISTANCE. (1) The department shall suspend FIP cash assistance:

(a) When the enrollee does not submit a written report of earned income; or

(b) For one month when the enrollee's income exceeds one month's payment standard, but is less than the payment standard for two months.

(2) The department shall reinstate a suspended FIP cash assistance grant when the conditions that caused the enrollee to be suspended cease to exist.

#### NEW SECTION

WAC 388-77-737 FIP TRANSITIONAL BENEFITS. The department shall extend FIP noncash benefits for a period of up to twelve months when an enrollee ceases to be income eligible for FIP cash assistance as a result of increased earnings.

#### NEW SECTION

WAC 388-77-810 PERIODIC REVIEW AND REDETERMINATION OF ELIGIBILITY. The department shall:

(1) Conduct an annual face-to-face interview to re-determine FIP continued eligibility for the Title IV-A and food stamp assistance portions of FIP;

(2) Designate the forms to use during the periodic eligibility review;

(3) Require one set of completed forms from each assistance unit;

(4) Review each eligibility factor that is subject to change; and

(5) Assure the enrollee meets all the eligibility requirements of the program.

#### NEW SECTION

WAC 388-77-820 FOOD ASSISTANCE. The department shall determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC, except:

(1) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

(a) The FIP incentive and the value of child care provided under FIP;

(b) Higher education benefits;

(c) Earned income tax credit;

(d) Retroactive FIP benefits;

(e) The first fifty dollars of any child support payments received in the month;

(f) Earnings of a child; and

(g) Self-employment income used for capital expenditures which are included as part of a self-sufficiency plan.

(2) For enrollees, pay the food stamp cash equivalent as a grant;

(3) For enrollees, verify eligibility factors as in WAC 388-77-045;

(4) Consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) Determine eligibility and benefit amount for non-assistance households with a FIP member or members according to chapter 388-49 WAC:

(a) FIP members will receive a prorated amount of benefits as food cash assistance;

(b) Non-FIP members will receive a prorated amount of benefits in food stamps.

### NEW SECTION

**WAC 388-77-900 OVERPAYMENTS.** The department shall assess and recover overpayments of FIP benefits in the same manner and under the same authority as overpayments in prior programs.

(1) FIP overpayments may be recovered from non-FIP grants;

(2) Non-FIP overpayments may be recovered from FIP grants.

(3) For ineligibility resulting from increased earned income, the department shall not establish an overpayment for the month in which the increase occurred if the increase was timely reported.

**WSR 88-12-094**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed June 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 General assistance—Eligibility—Standards of assistance—Payment, amending chapter 388-37 WAC;

that the agency will at 10:00 a.m., Tuesday, July 5, 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 July 6, 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 July 5, 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 June 22, 1988. The meeting site is in a location which is barrier free.

Dated: June 1, 1988

By: Leslie F. James, Director  
 Administrative Services

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

The Department of Social and Health Services proposes to amend the Washington Administrative Code as follows: Amending WAC 388-37-110, 388-37-130, 388-37-140, 388-37-160, 388-37-170 and 388-37-190.

Purpose of this Rule Change: To revise portions of the rules used to determine incapacity in the general assistance unemployable (GA-U) program pursuant to a Washington State Superior Court order in the *Hadaller v. Shinpoch* lawsuit.

Statutory Authority: Chapter 74.20 RCW.

This Rule Change Accomplishes the Following Directive of the Court: Establish standards for considering multiple mild impairments; amend the exertional definitions used to determine the level of work a person can perform to be consistent with those found in the Dictionary of Occupational Titles; and amend the rules concerning the determination of past work to consider only past work experience relevant to future employability.

Since the changes ordered must become effective June 1, 1988, the court has directed the department to adopt rules pursuant to emergency Administrative Procedure Act procedures.

### AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

**WAC 388-37-110 DETERMINATION OF SEVERITY—GENERAL DEFINITIONS.** (1) Severity of a medical impairment is defined as the degree to which an individual is restricted in ability to perform basic work-related activities as measured on a scale from one to five. The term medical impairment includes physical, mental, or emotional conditions and excludes alcoholism and drug addiction.

(2) Basic work-related activities are: Sitting, standing, walking, lifting, carrying, handling, seeing, hearing, communicating, and understanding and following instructions.

(3) The five severity ratings are defined as follows:

(a) A severity rating of "01" means no impairment has been identified by clear objective medical information. The ability to engage in the basic work-related activities is not restricted.

(b) A severity rating of "02" means a mild impairment exists which would not significantly interfere with the basic work-related activities.

(c) A severity rating of "03" means a moderate impairment exists, resulting in a significant interference with one or more of the basic work-related activities.

(d) A severity rating of "04" means a marked impairment exists, resulting in a very significant restriction of the ability to perform one or more of the basic work-related activities.

(e) A severity rating of "05" means the ability to perform one or more of the basic work-related activities is absent.

(4) One overall severity rating is determined for each individual based on an assessment of the severity of each diagnosed impairment and an assessment of whether the effect of multiple impairments significantly interferes with one or more basic work-related activities.

(a) Individuals with an overall severity rating of "01" or "02" shall be considered capable of gainful employment and shall not be eligible for GA-U, subject to the provisions in WAC 388-37-050(2).

(b) Individuals with an overall severity rating of "03" or "04" may or may not be incapacitated from gainful employment, depending on a further assessment of functional capacities and vocational factors.

(c) Individuals with an overall severity rating of "05" shall be considered incapacitated and eligible for GA-U.

(5) All decisions to deny incapacity based on the progressive evaluation process are subject to the provisions in WAC 388-37-050(2).

#### AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-130 PROGRESSIVE EVALUATION PROCESS STEP III—SEVERITY OF PHYSICAL IMPAIRMENTS. (1) If a physical impairment is claimed, the severity rating of the physical disorder shall be determined on the basis of current medical evidence which provides an objective description of an individual's medical condition.

(2) Each diagnosed impairment shall be assigned a severity rating based on the following method:

(a) The examining physician's estimated severity rating will be used when the following three conditions are met:

(i) The doctor's rating is substantiated by and is consistent with the medical evidence provided; and

(ii) The doctor's assessment of functional capacities is consistent with the given severity rating as defined in WAC 388-37-110; and

(iii) No evidence to the contrary exists either within the same evaluation or another current evaluation on the same individual.

(b) When the doctor has not assigned a severity rating or that rating does not meet the conditions in (2)(a) of this subsection, the department shall assign a rating based on the medical assessment of functional capacities in conjunction with the severity ratings as defined in WAC 388-37-110.

(3) Based on the severity rating of each physical impairment, a determination of incapacity will be made as follows:

(a) An individual with no diagnosed mental impairments rate "02" or higher, and with only one physical impairment rated no higher than "02," and whose overall ((functioning)) functional level appears consistent with the rating, shall not be eligible for GA-U((-));

(b) An individual with a severity rating of "05" for any impairment, who meets the time limits in WAC 388-37-030(1), is eligible for GA-U, provided the overall functioning level appears consistent with this rating((-));

(c) An individual with only one physical impairment with a severity of "03" or "04" and no significant mental impairment must be evaluated to determine how functional capacity is affected by the physical impairment((-);

(d) The effect of multiple significant physical impairments or a combination of significant mental and physical impairments will be determined according to WAC 388-37-140.

#### AMENDATORY SECTION (Amending Order 2525, filed 8/21/87)

WAC 388-37-140 PROGRESSIVE EVALUATION PROCESS STEP IV—MULTIPLE IMPAIRMENTS. (1) When an ((applicant)) individual has two or more ((than one)) diagnosed impairments, each of which is rated ((#03#)) at least "02" or ((#04#)) greater, but none rated "05," ((one)) the overall rating shall be determined as follows:

(a) Each diagnosis shall be classified according to body system based upon International Classification of Diseases (ICD), 9th revision((-);

(b) If all the diagnosed impairments are classified within the same body system, the overall severity rating will be equal to the highest rated impairment within that system((-);

(c) Severity ratings assigned for alcoholism or drug addiction shall not be considered in this process.

(2) If more than one body system is involved (including mental disorders), the overall severity will be determined by the following, using the highest rating from each body system:

(a) An individual with at least two moderate impairments or at least one marked and one moderate impairment is considered to have an overall severity rating of "04((-);"

(b) An individual with at least two marked impairments is considered to have an overall severity rating of "05((-);"

(c) An individual with no individual impairments rated moderate or marked, but who has two or more impairments individually rated mild, shall be considered to have an overall severity rating of "03" if the cumulative effect of these impairments significantly interferes with one or more basic work-related activities.

(3) Based on the overall severity rating, a determination of incapacity is made as follows:

(a) An individual with an overall severity rating of "05," who meets the time limits in WAC 388-37-030(1) is eligible for GA-U((-);

(b) Individuals with a severity rating of "03" or "04" must be evaluated to determine how their multiple physical and/or mental impairments affect their functional capacity;

(c) Individuals with a severity rating of "02" shall be considered capable of gainful employment and ineligible for GA-U as provided under WAC 388-37-110 (4)(a).

#### AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-160 PROGRESSIVE EVALUATION PROCESS STEP V—FUNCTIONAL CAPACITIES—PHYSICAL IMPAIRMENTS. For individuals with a physical impairment with an overall severity rating of "03" or "04," the department shall consider the effect of the physical impairment(s) on the ability to perform work-related activities. Functional capacities will be assessed on the basis of the individual's exertional, exertionally-related and nonexertional physical limitations. For any limitation to be considered, it must be substantiated by the medical evidence and directly related to the diagnosed impairment(s).

(1) Physical impairments which limit exertion are those which result in the restriction of activities such as standing, walking, lifting, and carrying. As defined in this section, ((occasional lifting)) occasionally means less than one-third of the time and ((frequent lifting)) frequently means one-third to two-thirds of the time. Levels of exertion are divided into the following four categories:

(a) Sedentary: A person is in this category when capable of lifting ten pounds maximum ((or severely restricted in ability to stand and/or walk for a total of six hours in an eight-hour work day)) and occasionally lifting and/or carrying such articles as docket, ledgers, and small tools. Although a sedentary job is one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are only required occasionally and other sedentary criteria are met.

(b) Light: A person is in this category when capable of ((occasionally)) lifting twenty pounds maximum with frequent lifting and/or carrying of objects weighing up to ten pounds ((or moderately restricted in ability to stand and/or walk for a total of six hours in an eight-hour work day)). Even though the weight lifted may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree, or when it involves sitting most of the time with a degree of pushing and pulling of arm and/or leg controls.

(c) Medium: A person is in this category when capable of ((occasionally)) lifting fifty pounds maximum with frequent lifting and/or carrying of objects weighing up to twenty-five pounds ((and is unrestricted or mildly restricted in ability to stand and/or walk for a total of six hours in an eight-hour day)).

(d) Heavy: A person is in this category when capable of ((occasionally)) lifting one hundred pounds ((or more;)) maximum with frequent lifting and/or carrying of objects weighing up to fifty pounds ((and is unrestricted in ability to stand and/or walk a total of six hours in an eight-hour work day)).

(2) Physical impairments which may limit exertionally-related abilities are those which cause restrictions in mobility, agility or flexion, including balancing, handling, stooping, pulling, pushing, reaching, and sitting.

(3) Nonexertional physical limitations include any limitation not listed in subsections (1) and (2) of this section. These include, but are not limited to, sensory impairments, allergies, seizure disorders, etc., such as seeing, hearing, environmental restrictions, or ability to operate dangerous machinery.

(4) Based on an individual's physical exertional, exertionally-related and nonexertional limitations, an evaluation will be made of the individual's ability to perform relevant past work according to WAC 388-37-180.

#### AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-170 EVALUATION OF VOCATIONAL FACTORS FOR STEPS VI AND VII. (1) The vocational factors used in



evaluating incapacity are age, education, ~~((and))~~ work experience, and transferrable skills.

(2) Vocational factors are considered only when an overall severity rating of an "03" or "04" has been determined.

(3) Educational factors refer primarily to formal schooling or other training which contributes to the individual's ability to meet vocational requirements. The following classifications are used when evaluating the educational level of an individual:

(a) Illiteracy refers to the inability to read or write. An individual who is able to sign his or her name, but cannot read or write a simple communication (e.g., instructions, inventory lists) is considered illiterate. Generally, an illiterate person has little or no formal schooling (six years or less).

(b) Limited education. Absent evidence to the contrary, a seventh grade through the eleventh grade of formal education is considered a limited education.

(c) High school education and above. Absent evidence to the contrary, these educational capacities qualify an individual for work at a semi-skilled through skilled level of job complexity. A general education equivalency degree (GED) falls into this category.

(4) Work experience.

(a) Work experience is evaluated to see if it constitutes relevant past work. Relevant past work is any work normally done for pay or profit in the past five years. To be "relevant," a job must have been done for a period long enough to show that the worker had the ability to do that type of work on an ongoing basis (i.e., at least thirty days for unskilled work; at least three months for semi-skilled work; at least six months for skilled work).

(b) Jobs held for very brief periods of time (less than thirty days), work done in a sheltered workshop or with other special considerations, and the duties of a student or housewife are not counted as relevant work experience.

(c) A job history which includes many jobs held for short periods of time, even though long enough to meet the time criteria for the skill level of the job, may or may not constitute relevant past work. Consideration must be given to the reasons for frequent job changes and the nature of the work or skill involved.

(5) Transferrable skills.

(a) Transferrable skills shall mean those skills acquired in performing skilled or semi-skilled work activities in past work which can be used to meet the requirements of skilled or semi-skilled work activities in other jobs or kinds of work. A person does not gain work skills by doing unskilled jobs.

(b) The client is presumed to have transferrable skills for other work in the same occupational area or in another occupational area in which:

(i) The same or lesser degree of skill is required; and

(ii) The same or similar equipment is used; or

(iii) The same or similar materials, products, processes, or services are involved.

(c) Make this determination based on a description by the client of the job performed using the following occupational areas as guidelines:

(i) Managerial and administrative;

(ii) Professional, paraprofessional, and technical;

(iii) Sales;

(iv) Clerical and administrative support;

(v) Service;

(vi) Agriculture, forestry, and fishing; and

(vii) Production, construction, maintenance, and material moving.

(d) There are degrees of transferability of skills, ranging from very similar to incidental similarity. A complete similarity of all three factors in subsection (5)(b) of this section is not necessary for transferability. However, skills which are so specialized or acquired in an isolated vocational setting may not be transferrable.

#### AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-190 PROGRESSIVE EVALUATION PROCESS STEP VII—ASSESSMENT OF CAPACITY TO PERFORM OTHER WORK. (1) Individuals with a severity rating of "03" or "04" whose incapacity has not yet been determined by Step VI, shall be assessed for possible referral for an administrative review.

(2) The department shall approve GA-U for individuals who have a significant physical limitation and:

(a) Are limited to sedentary work; or

(b) Are limited to light work, and are:

(i) Age fifty or older; or

(ii) Age thirty-five or older and cannot speak, read, or write English; or

(iii) Age eighteen or older, with less than a twelfth grade education and no relevant past work; or

(c) Are limited to medium work, and are age fifty or older, with less than a twelfth grade education and no relevant past work; or

(d) Can do heavy work and are age fifty-five or older.

(3) The department shall approve GA-U for individuals who have a significant mental impairment, and:

(a) Are age fifty or older and have at least a "moderate" limitation in the ability to relate appropriately to coworkers and supervisors and a "marked" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting; or

(b) Are age eighteen to fifty-four and have a "severe" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting; or

(c) Are age eighteen to forty-nine and have a severity rating of "04" and at least one of the twelve symptoms identified in WAC 388-37-120(3) listed as "severe" and have a "moderate" limitation in the ability to relate appropriately to coworkers and supervisors and a "marked" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting.

(4) The department shall approve GA-U for the individual who has both a significant mental and a significant physical limitation when either of those impairments meet the criteria in subsections (2) and (3) of this section, except that:

(a) The age requirement in subsection (3)(a) of this section does not apply; and

(b) The individual may have relevant past work.

(5) All individuals who do not meet the criteria under subsection (2), (3), or (4) of this section (~~and who have either a significant mental or significant nonexertional physical impairment~~) shall have their incapacity determined by administrative review.

(a) This review will be performed by at least two departmental designers.

(b) Criteria for this review includes, but is not limited to, an assessment of all available medical information along with any vocational factors, including transferrable skills, which may ~~((pose a barrier to))~~ have an effect on employment.

(6) All individuals who do not meet the criteria under subsection (2), (3), (4), or (5) of this section are not considered incapacitated for GA-U.

#### WSR 88-12-095

#### PROPOSED RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning revisions to WAC 296-17-350(6) Piece rate rule, requiring employers to report actual hours worked by their employees when they are subject to any federal or other state law or rule which requires the record keeping of actual hours worked and provides for a penalty for noncompliance of this rule by computing worker hours using the state minimum wage divided into gross wages if records of hours worked are not maintained and reported for industrial insurance purposes.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 1, 1988.

The authority under which these rules are proposed is RCW 51.04.020(1).

The specific statute these rules are intended to implement is RCW 51.16.035.

The agency reserves the right to modify the text of these proposed rules prior to the public hearing thereon

or in response to written and/or oral comments thereon received prior to or during the public hearing.

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

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

Douglas Connell  
Assistant Director for Employer Services  
Department of Labor and Industries  
905 Plum Street S.E.  
Olympia, Washington 98504

This notice is connected to and continues the matter in Notice Nos. WSR 87-23-053, 88-01-118 and 88-06-046 filed with the code reviser's office on November 18, 1987, December 23, 1987, and March 1, 1988.

Dated: June 1, 1988

By: Joseph A. Dear  
Director

#### WSR 88-12-096

##### ADOPTED RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-07—Filed June 1, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to this order amends sections in chapter 296-15 WAC, Rules and regulations for self-insured employers, and chapter 296-18A WAC, Rehabilitation review. These amendments will further define the initial certification requirements and continuing financial reporting requirements and claims management procedures for self-insurers.

This action is taken pursuant to Notice No. WSR 88-07-100 filed with the code reviser on March 23, 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 51.04.020 which directs that the director, Department of Labor and Industries, has authority to implement the provisions of Title 51 RCW, Industrial insurance laws.

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 June 1, 1988.

By Joseph A. Dear  
Director

#### AMENDATORY SECTION (Amending Order 86-25, filed 7/1/86)

WAC 296-15-020 APPLICATION. (1) The application for certification to self-insure will be made only by those firms who have been in business for a minimum

of ((3)) three years, on a form prescribed by the department which will elicit necessary information as to an employer's qualifications for self-insurance.

(2) The application shall be supplied by the department to an employer upon the employer's request. It shall be completely and accurately filled out by the employer, and forwarded, with all necessary supporting documents, to the director.

(3) The director shall consider all matters relating to the applicant's qualifications to perform as a self-insurer, and shall advise the employer of the action taken on the application (~~((within a reasonable period of time and in no instance less than 21 calendar days))~~) thirty days before the requested certification date. If deemed necessary for obtaining further information, the director may extend the time for acting on the application. (~~(If certification is denied due to lack of evidence of a safety program, the firm shall be denied reconsideration for one full quarter. The firm may then request certification during the second quarter after denial.)~~) Employers who are denied certification due to deficient accident prevention programs may be required to wait six months before being considered for certification again.

#### AMENDATORY SECTION (Amending Order 83-22, filed 12/1/83, effective 1/1/84)

WAC 296-15-022 CORPORATE GUARANTEE. If the applicant employer is a subsidiary, the parent firm will furnish the department with its guarantee to assume and be responsible for the workers' compensation liabilities of the subsidiary in the event the subsidiary firm is unable or unwilling to cover these liabilities. (~~(This guarantee also applies to self-insured accounts that are purchased or acquired by another firm and remain in the self-insured program.)~~) If a self-insurer is purchased by another firm, which becomes its parent, the parent must provide the department with its most recent audited financial statement and its guarantee. This guarantee is to be on a form prescribed by the department. A parent firm is defined as one which owns fifty percent, and has a controlling interest in, another firm.

#### AMENDATORY SECTION (Amending Order 86-25, filed 7/1/86)

WAC 296-15-023 ENTITIES INCLUDED IN CERTIFICATION. (1) The certification of a firm will include all of its subsidiaries or divisions doing business in the state of Washington. A subsidiary is defined, for the purpose of this rule, as an entity which is (~~(more than 50%)~~) fifty percent owned and has its interest controlled by another single firm.

(2) One certificate will be issued to an approved self-insurer, including all subsidiaries or divisions. The entities will be considered as one employer for all purposes of Title 51 RCW.

#### AMENDATORY SECTION (Amending Order 87-02, filed 2/9/87)

WAC 296-15-030 POSTING OF SECURITY. Subsections (1), (2), (3), and (4) of this section shall apply only to individual self-insurers except counties,

cities, school districts, municipal corporations, and individual accounts participating in a group self-insurance program. Subsection (6) of this section shall apply only to counties, cities, municipal corporations, and school districts not participating in a group self-insurance program. Group self-insurance programs are subject to reserve requirements set forth in WAC 296-15-02601(3) and 296-15-02605, in lieu of application of this section.

(1) Upon receiving a completed application for certification to self-insure, the director shall review the matter and notify the employer of the amount of security which must be deposited to secure the payment of compensation and assessments, pursuant to RCW 51.14.020 as now or hereafter amended. This amount as so established may be satisfied by the employer's supplying of money, corporate or governmental securities approved by the director, or a surety bond, written by a company admitted to transact surety business in this state, in favor of the department. All such securities of a self-insurer shall be deposited with an escrow agent appointed by the director and administered pursuant to a written agreement between the department, the self-insurer and the escrow agent. Securities shall be registered in the name of the escrow agent on behalf of the self-insurer. The original of all surety bonds submitted by self-insurers following approval by the director and the attorney general will be kept on file in the department.

(2) On or after July 1, 1985, the minimum amount of security required for initial certification as a self-insurer shall be the projected average cost of a permanent total ((pension)) disability claim for an injury occurring during the first year after the employer's self-insuring, including medical, time-loss, pension reserve, and any other miscellaneous claim costs paid prior to award of the pension. This average cost shall be calculated by the department on an annual basis.

The security required for initial certification as a self-insurer on or after July 1, 1985, may be greater than the minimum amount described above. In establishing such security requirements, the department shall estimate the following amounts:

(a) The estimated amount of accident and medical aid fund premium that the self-insurer would have paid to the state fund during the first year of self-insurance, if it had remained in the state fund.

(b) The estimated amount of incurred benefits for the first year of self-insurance, based on past experience with the state fund, adjusted for intervening changes in benefit schedules and exposure.

If either or both of the above amounts exceed the minimum security deposit described in this section, the department may require the larger of (a) or (b) of this subsection as a security deposit for initial certification as a self-insurer on or after July 1, 1985.

(c) The initial surety requirement for a self-insurer may be based on an estimate of the expected average annual incurred losses, made by an independent actuary.

(d) The initial surety requirement for a self-insurer may be based upon an estimate of the expected average annual incurred losses, net of expected payments during the first year, made by an independent actuary; provided:

(i) That the applicant self-insurer agrees in writing to provide the department with an estimate of the outstanding liability made by an independent actuary within sixty days of the end of each calendar year of certification, through the first full three years of self-insurance; and

(ii) That the applicant self-insurer agrees in writing that if an estimate from an independent actuary is not provided as indicated in (d) of this subsection, the department, each year, will automatically increase the self-insurers' surety requirement by the amount of its average annual incurred losses estimated at the time of certification.

The security required in accordance with the above procedures may be adjusted by the department if there are other known conditions which may alter the self-insurer's potential claim costs and/or its ability to pay them.

(3) The amount of security required of each self-insurer shall be reviewed periodically by the director to determine if there is need for any increase or decrease thereof. To facilitate this review a self-insurer's annual report (SIF #7) shall be required in the form prescribed by the director and supplied to all self-insurers.

Security requirements in effect on, or initially established after, July 1, 1985, shall not be increased unless and until one or more of the following conditions are met:

(a) An estimate of the self-insurer's outstanding claim liabilities, made by either the self-insured employer or the department, exceeds the amount of security in force; or

(b) The projected average cost of a permanent total pension claim for an injury in the current year, including medical, time-loss and any other miscellaneous claim costs paid prior to award of the pension, exceeds the security in force for the employer by one hundred thousand dollars or more.

(4) The following procedure shall apply for purposes of updating security requirements:

(a) On July 1, 1985, the security requirement for each self-insurer shall be the larger of the following two amounts:

(i) The existing security in force for the self-insurer; or

(ii) The self-insurer's stated estimate of outstanding claim liabilities as shown on the 1984 self-insurer's annual report (SIF #7).

(b) On July 1, 1986, the security requirement for each self-insurer shall be the larger of the following amounts:

(i) The existing security in force for the self-insurer; or

(ii) The average of the self-insurer's stated estimate of outstanding claim liabilities as shown on the 1985 self-insurer's annual report (SIF #7) and the department's estimate of the self-insurer's outstanding claim liabilities as of December 31, 1985, made in accordance with provisions of (e) of this subsection; or

(iii) The minimum security requirement.

(c) On July 1, 1987, the security requirement for each self-insurer shall be the larger of the following amounts:

(i) The existing security in force for the self-insurer;  
or

(ii) The department's estimate of the self-insurer's outstanding claim liabilities as of December 31, 1986, made in accordance with provisions of (e) of this subsection; or

(iii) The minimum security requirement.

(d) After July 1, 1987, the security requirement for each self-insurer will be subject to review and increased or decreased at such times as the director deems necessary to maintain the adequacy of those requirements. Such review and adjustment, when made, shall be performed in accordance with provisions of (e) of this subsection.

(e) In establishing or adjusting security requirements for a self-insurer, the department may perform a runoff test of the adequacy of the employer's estimates of liabilities, by tracking the subsequent cost of claims (subsequent payments plus the employer's updated estimates of remaining liabilities). If the subsequent costs do not exceed original liability estimates, the employer's most recent estimates of claim liabilities shall be considered adequate for purposes of setting current security requirements for the employer.

If the runoff test shows that subsequent costs of claims exceed the employer's original estimates of outstanding liabilities, the department may apply a loss development factor to the employer's most recent estimates of claim liabilities to compensate for anticipated repetition of inadequate estimates. The loss development factor shall be based on the self-insured employer's experience.

The following special considerations shall apply in establishing or adjusting security requirements for a self-insurer:

(i) Pension claims - Reserve amounts attributable to death or permanent total disability claims independently secured by means of a surety bond or assignment of account, and which are included in estimates of outstanding claim liabilities as shown on the self-insurer's annual report (SIF #7), shall be deducted from estimates of outstanding claim liabilities made in accordance with other provisions of this section.

(ii) Reinsurance - Anticipated recoveries under reinsurance policies held by a self-insurer must be documented by the self-insurer and reported to the department to qualify for consideration in establishing security requirements. Such anticipated recoveries shall be applied to either the self-insurer's estimate of outstanding claim liabilities as shown on the most current self-insurer's annual report (SIF #7) or the department's estimate of the self-insurer's outstanding liabilities made in accordance with (e) of this subsection, whichever is greater. If the resulting estimate of claim liabilities net of reinsurance recoveries is less than the security requirements imposed by this section without adjustment for reinsurance, the security requirement shall be reduced accordingly; provided, that security requirements imposed upon initial certification of a self-insurer or based upon the projected average cost of a permanent total pension claim may be retained by the department

regardless of other estimates of claim liabilities for the self-insurer.

(iii) Strict application of loss development factors based upon the runoff test presumes a consistency of reserving methodology and results for the self-insurer. If the department determines that an employer has changed its reserving methodology in such a way as to invalidate loss development factors based upon past experience, then the department shall make such adjustments to the procedure as it may deem appropriate under the circumstances.

(iv) The department will give full consideration to any evaluation of the self-insured employer's outstanding claim liabilities made by an independent qualified actuary. Such independent actuarial evaluations are optional and not required by this rule.

(f) Any changes to existing bonds and/or adjustments to bond amounts made by or required of a self-insurer on or after July 1, 1985, shall provide adequate security for all self-insured workers' compensation liabilities of the employer, regardless of when the claims giving rise to those liabilities were incurred. Changes contemplated by this subsection include, but are not limited to, designation of a new surety carrier, issuance of a replacement bond by a current surety carrier, and/or revision of the face amount of any bond whether by endorsement or issuance of a replacement bond. If a new surety carrier does not assume full responsibility for all past self-insured liabilities regardless of when incurred, the department may require that such liabilities be secured by other means.

(5) A self-insurer's annual report (SIF #7) shall be required of group self-insurance plans, in the form prescribed by the director and supplied to all group self-insurance plans.

(6) On January 1, 1987, the security requirement for counties, cities, school districts, and municipal corporations shall provide for sufficient revenues to satisfy one hundred percent of the estimated claims for the succeeding fiscal year. The county, city, school district, or municipal corporation shall provide a cumulative reserve fund comprised of governmental securities, surety bonds, or any legal source of funding, equal to no less than twenty-five percent of the estimated claims payments for the succeeding fiscal year, to satisfy unforeseen claims obligations: PROVIDED, That the minimum security requirement shall be one hundred thousand dollars. If a jurisdiction's cumulative reserve fund as of the effective date of this section is not at the required level, it shall annually increase the amount of such fund by no less than one-fourth of the difference between the amount of such fund as of January 1, 1987, and the required level of such cumulative reserve fund.

By February 1 of each year, each county, city, school district, or municipal corporation shall certify in writing to the department, the security requirements, specifying the source, or sources, of revenues including securities, bonds, anticipated insurance recoveries, or other moneys. A copy of the officially adopted budget that sets forth the fund or funds, and the accounts as required by the state auditor's budget accounting reporting system to meet the minimum security requirement, expenses, and

liabilities of industrial insurance shall be available to the department. Security requirements for governmental units shall be subject to an annual review by the department.

**AMENDATORY SECTION** (Amending Order 86-40, filed 11/24/86)

**WAC 296-15-065 SELF-INSURERS' INSOLVENCY TRUST.** (1) For the purpose of interpretation of this section, the term "insolvent self-insurer" means a self-insurer who has defaulted upon any obligation under Title 51 RCW, and with respect to which default the director has taken action authorized by RCW 51.14.060.

(2) A self-insurance insolvency fund shall be established in the office of the state treasurer. The purpose of this fund shall be to pay, to the injured workers of insolvent self-insured employers under Title 51 RCW, any unsecured benefits to which such injured workers had become entitled, and to pay for the department's associated administrative costs, including attorneys' fees.

(3) This fund shall be financed by assessment, as follows: (a) Assessments shall be levied on a post-insolvency basis against all self-insurers, including any of which have surrendered certification at any time during the thirty-six months prior to the close of a quarter for which assessments to the insolvency fund are payable: **PROVIDED, HOWEVER,** That school districts, cities and counties are exempt from assessment(s) to finance such self-insurers' insolvency fund; **PROVIDED, FURTHER,** That school districts, cities and counties shall not have their obligations discharged, in full or in part, with moneys from said self-insurers' insolvency fund; (b) each assessment shall be a percentage of the payments made on all claims involving the self-insured employer; (c) assessments shall be levied on a quarterly basis as prescribed by the board of trustees established in this section; (d) assessments shall be payable each quarter, by the thirtieth day following the notice of assessment.

(4) The administration of an insolvent self-insurer's claims shall be the responsibility of the department until the security deposit as required by RCW 51.14.020 and/or the recovery from any court action concerning the self-insurer's workers' compensation liabilities have been exhausted.

(5) Establishing self-insurance insolvency fund assessment rates and administering the claims of insolvent self-insurers upon depletion of remedies for reimbursement of workers' compensation expenditures made by the department as specified under subsection (4) of this section shall be the responsibility of a five-member board of trustees, under the general supervision of the department's self-insurance section.

(6) Assessments for the self-insurers' insolvency fund shall be in amounts deemed adequate to reimburse the accident, medical aid and/or pension reserve funds for benefits paid from these funds to injured workers of insolvent self-insurers, and for associated administrative costs, including attorneys' fees. Any and all interest earned on assessments levied and collected by the board of trustees shall become a part of the self-insurers' insolvency fund, and be distributed only for the purposes for which the fund was established.

(7) The board of trustees shall be comprised of the director or the director's designee, three representatives of self-insured employers, and one representative of workers. Initially and thereafter, the director shall appoint the self-insurer representatives from a list of names submitted by state-wide organizations of self-insurers and others. Initially and thereafter, the director shall appoint the worker representative from a list of names submitted by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. Initial appointments shall be made within thirty days of the effective date of this section. Two of the initial appointees shall serve three-year terms, and two shall serve two-year terms. Thereafter, appointed representatives shall serve two-year terms(~~(: PROVIDED, That no representative shall serve more than two consecutive terms)~~). Each representative on the board of trustees shall have one vote.

(8) No later than March 31 of each year, the board of trustees shall report in writing to the workers' compensation advisory committee regarding the status of the insolvency fund as of the previous December 31, and summarize any events or transactions of interest or importance to the ongoing operation of the insolvency fund.

**AMENDATORY SECTION** (Amending Order 86-35, filed 8/28/86)

**WAC 296-15-070 ACCIDENT REPORTS AND CLAIMS PROCEDURES.** (1) Reporting of accidents shall be on a form prescribed by the department, entitled the self-insurer's accident report (SIF #2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department for compensable claims immediately and medical only claims monthly after closing by the self-insured employer shall satisfy the initial accident reporting responsibility and statistical reporting responsibility under the law.

(2) A self-insurer, on denying any claim, shall provide to the claimant, the department, and the attending physician, within thirty days after such self-insurer has notice of the claim, a notice of denial of claim, substantially similar to the example SIF #4. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer shall file a complete and accurate supplemental or final report on injury or occupational disease claims resulting in time loss payments, on a form substantially similar to labor and industries Form No. F207-005-000, self-insurer's report of occupational injury or disease, 7-86 (SIF-5) at the following times:

(a) Within five working days following the date the first time loss compensation is paid.

(b) Within five working days following the date the time loss compensation is terminated, reinstated, or the rate thereof changed.

(c) On the date a determination is requested or date temporary disability claim is closed.

(d) On all claims where vocational rehabilitation services have been provided, a rehabilitation outcome report must be submitted with the final SIF #5.

All medical reports and other pertinent information in the self-insurer's possession not previously forwarded to the department must be submitted with the request for all determinations.

(4)(a) A self-insured employer shall, upon notice of an industrial injury, provide the injured worker with the opportunity to file a self-insurer accident report (SIF-2) and shall notify the worker of his/her rights and responsibilities under Title 51 RCW. A completed copy of the self-insurer accident report (SIF-2), with an assigned department claim number, is to be provided to the worker within five working days of the date an injured worker submits the SIF-2 to the employer.

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (LI-207-20), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

The self-insurer shall submit monthly statistical information on medical only claims closed during the month by copy of the accident report (SIF #2). In medical only claims where vocational rehabilitation services have been provided, the self-insurer shall submit a rehabilitation outcome report with the self-insurers accident report (SIF-2) at the time of reporting claim closure.

(c) A self-insurer, upon closure of a temporary disability claim, shall issue an order on a format substantially similar to labor and industries Form No. F207-070-000, self-insured employer's time loss claim closure order and notice, 7-86. The self-insurer shall send a copy of the closing order and final SIF-5 to the claimant and the department at the time of closure of a temporary disability claim.

(d) When the department requests claim information by certified mail, the self-insurer shall submit all information in its possession dealing with the claim in question, within ten working days from the date of receipt of such certified mail.

(e) In any case where the department or the self-insured employer has issued an appealable order on a medical-only claim, all subsequent orders in that claim shall be issued by the department.

(f) When an application for reopening of claim for aggravation of condition is received by a self-insured employer or its authorized representative, it shall be the responsibility of the self-insured employer to forward it to the department within five working days from the date of receipt.

(5) Self-insurers may close temporary disability claims with the date of injury occurring July 1, 1986, through June 30, ~~((+1988))~~ 1990, and occupational disease claims filed July 1, 1986, through June 30, ~~((+1988))~~ 1990. Self-insured claims that involve a permanent partial disability, an order issued by the department resolving a disagreement, or return to work with a different employer are not subject to closure by the self-insurer.

#### AMENDATORY SECTION (Amending Order 75-28, filed 8/29/75, effective 1/1/76)

WAC 296-15-170 CESSATION OF BUSINESS—CHANGE OF STATUS. (1) A self-insurer that proposes to cease doing business entirely, or proposes to cease doing business in Washington, or proposes to dispose of, by sale or otherwise, the controlling interest of the business for which the certificate was issued shall immediately notify the department in writing of such proposed action and shall, upon request, surrender their certificate for cancellation.

(2) A self-insurer that amends its articles, charter or agreement of incorporation, association, copartnership or sole proprietorship so as to change its identity or business structure or in any manner so as to materially alter its status as a self-insured employer as it existed at the time of the issuance of its certificate shall, within thirty days notify the department in writing of such action and provide the department with information regarding any change in the status of such self-insured employer. The department may, at its discretion, ask for copies of any documents deemed necessary regarding such transactions.

(3) When a self-insurer sells, divests, or spins off a part of itself, self-insurance coverage for the separated part ends with the date of separation from the self-insurer. The selling self-insurer remains responsible for the liability for claims against the separated part occurring up to the date of the separation unless the department approves an alternative. If the separating part desires to be a self-insurer, an application for certification must be received by the department thirty days before the date of certification. If certification cannot be granted before the date of separation, industrial insurance coverage must be purchased effective with the date of separation.

#### AMENDATORY SECTION (Amending Order 75-28, filed 8/29/75, effective 1/1/76)

WAC 296-15-190 NOTIFICATION OF RIGHTS AND OBLIGATIONS. (1) ~~((Every self-insurer))~~ Self-insurers shall develop and maintain a comprehensive program designed to inform their employees about self-insurance and their rights and obligations. Such a program must include all present employees. Newly hired employees must be thoroughly advised of their industrial insurance rights and obligations ~~((thoroughly))~~ during the first thirty calendar days of employment. The method and manner of advising employees of this program must have the approval of the department.

(2) This program shall include, but not be limited to the following:

(a) An explanation of the employees' industrial insurance rights and obligations.

(b) An explanation of the employer's claim processing system.

(c) A statement telling which employees are covered and under what circumstances coverage is provided.

(d) A complete explanation of the payment of all medical bills and the time loss compensation an injured worker can expect to receive if forced to lose time from

work due to an injury, or occupational disease sustained at work (~~(And as well,))~~ and an explanation of the method (~~(utilized))~~ used to periodically determine continued time loss certification.

(e) The extent of the coverage provided and the procedure (~~(utilized in))~~ for closing a claim.

(f) An explanation of the law and rules of the department relating to the payment of medical expenses incurred by an on-the-job injury or occupational disease and (~~(as well))~~ the procedure for making an application for reopening a closed claim.

(g) An explanation of the role of the department in claims processing. (~~(Final orders are issued by the department in all cases, and any request for reconsideration of such orders should be directed to the department.))~~ Such explanation shall include a description of the method and manner of requesting reconsideration of department orders and appealing orders of the department to the Board of Industrial Insurance Appeals. Further, the mailing address and phone number of the self-insurance offices shall be made known and available to all employees.

(h) An explanation of the supplemental pension fund assessment and the deduction made for that purpose.

(i) An explanation of the way an injured worker, or someone in his/her behalf, must file a claim. Such an explanation must include the statutory requirement that a claim be filed within one year of the date of the injury or within (~~(one year of knowledge of))~~ two years following the date the worker received written notice from a physician of the existence of an occupational disease and (~~(also))~~ that the injured worker is responsible for filing the claim with his/her employer along with the certification of a licensed physician as stated in RCW 51.28.020.

(j) An explanation of both scheduled and unscheduled permanent partial disability (PPD) awards.

(3) A self-insurer shall designate a person or persons reasonably accessible to (~~(his))~~ the work locations to whom an injured worker or any employee may direct questions about industrial insurance matters. This individual should have sufficient knowledge to answer routine questions and have the responsibility of seeking answers to more complex problems.

#### AMENDATORY SECTION (Amending Order 85-6, filed 3/1/85)

WAC 296-15-215 CASH, BOND OR ASSIGNMENT OF ACCOUNT ALTERNATIVE FOR DEATH OR PERMANENT TOTAL DISABILITY. An "assignment of account" as used in this rule means a legal instrument executed by a self-insurer and a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, for the benefit of the department of labor and industries, which accomplishes the following:

(1) Identifies an existing account on deposit with the banking institution in the name of the self-insurer, which account contains an amount no less than the amount deemed by the department to be sufficient to insure the payment of pension benefits required by law for

the claim on which the assignment of account is made, above and beyond any and all other existing assignments on that account.

(2) Binds the self-insurer to maintain a balance in that account at least equal to the current present cash value of the pension benefits provided by law on the claim for which the assignment of account is made, above and beyond all other assignments on that account, for the life of the claim. Present cash values shall be revised annually by the department in conjunction with the insurance commissioner's report as prescribed in RCW 51.44.140. Quarterly payments of pension, if made from the assigned account, shall not reduce the account balance below the present cash value last established by the department on the claim.

(3) Authorizes the department of labor and industries, upon default of the self-insurer, in any payment of any obligation on the claim for which the assignment of account has been made, to immediately without notice withdraw from the account without obligation of reimbursement of any amount, up to and including the entire amount specified in the assignment of account document, necessary to implement the cash alternative prescribed in RCW 51.44.070(1).

Upon establishment of a death or permanent total disability obligation, the self-insured employer may elect to pursue the bond or assignment of account alternative outlined in RCW 51.44.070(2). In all such cases, cash, bond or assignment of account, the department shall commence to pay benefits immediately upon issuance of an order establishing such obligation. In the event there is a retroactive payment of benefits in the establishment of such obligation, and the self-insured employer elects to pursue RCW 51.44.070(2), this payment shall be made at the time the employer submits the required cash deposit. All further obligations paid by the department from the pension reserve fund shall be reimbursed to the department by the self-insured through the quarterly report system in accordance with RCW 51.44.070(2). Upon election of RCW 51.44.070(2) the self-insured employer shall submit a bond or assignment of account in the amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the pension benefits provided by law. Such bond or assignment of account and required cash deposit shall be filed with the self-insurance section no later than sixty days after (~~(establishment))~~ the funding order establishing the amount of the death or permanent total disability obligation was communicated to the parties. The bond or assignment of account alternative as prescribed by RCW 51.44.070(2) shall be allowed only once on any given claim elected at the time of the establishment of such obligation. In the event the amount of the bond is subsequently deemed insufficient and the self-insurer is unable to secure the required bond obligation the employer shall deposit cash into the reserve fund, pursuant to RCW 51.44.070(1), to replace the bond obligation. In the event the amount of the assignment of account is subsequently deemed insufficient and the self-insurer is unable to provide the required assignment of account, the employer shall deposit cash into the reserve fund,



pursuant to RCW 51.44.070(1), to replace the assignment of account. Funds available within the existing assignment of account shall, in this instance, be withdrawn by the department, deposited in the reserve fund, and credited toward the employer's obligation for the claim pursuant to RCW 51.44.070(1).

A separate assignment of account shall be established for each pension and, in case of failure of a banking institution carrying an assignment of account, the employer is responsible for the total amount of the obligation. Upon such failure of a banking institution, the self-insured employer shall, within thirty days, 1) establish a new assignment of account pursuant to this rule, or 2) deposit cash into the reserve fund to replace the obligation. If an employer terminates its self-insured status, the assignment of account will be placed with the department. The required reserve will be determined by the insurance commissioner and any excess will be returned to the employer.

**AMENDATORY SECTION** (Amending Order 83-28, filed 9/1/83)

WAC 296-15-250 REPRESENTATION IN SELF-INSURED APPEALS. ~~((The department has determined that in order to protect its interests and the interests of those parties who are beneficiaries of its orders, the department shall be represented in cases where those orders are appealed to the board of industrial insurance appeals.))~~

Pursuant to the authority granted by RCW 51.52.100, the department ~~((shall))~~ may, through the office of the attorney general, appear in proceedings before the board of industrial insurance appeals to defend any of the department orders appealed to the board of industrial insurance appeals by a self-insured employer ~~((Further, the department may elect to appear and defend the department orders appealed by))~~ or a claimant(s) or ((their)) beneficiaries when such action is deemed necessary to protect the department's interests. The department may support medical and other witness fees which, in the department's opinion, are necessary to defend its order.

This rule will apply to appeals filed with the board of industrial insurance appeals on or after the effective date of this rule.

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

WAC 296-18A-445 SELF-INSURED REPORTS. The following reports are required from the self-insurer to be sent to the self-insurance section.

(1) Self-insured rehabilitation referral. A form submitted no later than after paying ninety continuous days of time loss after the initial filing or reopening of a claim. If more time is necessary, an extension may be requested on this form. The format for this form will be supplied by the department.

(2) Employability assessment report. If a vocational referral is not being made and an extension of time is not necessary, this form must be completed and submitted to the self-insured section no later than after paying

ninety continuous days of time loss after the initial filing or reopening of a claim. The format for this form will be supplied by the department.

(3) A vocational rehabilitation plan shall be submitted to the self-insurance section by the self-insurer no later than ten calendar days after being signed by the injured worker, vocational rehabilitation provider and the employer. The plan will follow the criteria established in WAC 296-18A-450.

(4) Closing report. Upon completion of a formal program, the self-insurer will submit the closing report to the department. The closing report must follow the criteria as outlined in WAC 296-18A-440(3).

(5) Rehabilitation outcome report. This form is to be submitted ~~((when all vocational rehabilitation services have been completed))~~ with the final self-insurer's report on occupational injury or disease (SIF-5) or, in the case of medical only claims, with the self-insurers accident report (SIF-2), which is submitted at the time of claim closure. The format for this form will be supplied by the department and applies to all claims where vocational rehabilitation services have been provided.

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

WAC 296-18A-500 SELF-INSURERS. (1) No later than paying ninety continuous days of time loss following the initial filing or reopening of a claim, the self-insurer shall notify the self-insurance section as to whether or not vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. Each of these cases will be reviewed by the self-insurance section. The criteria to determine employability will be the same as for the state fund. If the injured worker is determined employable, the self-insurer will submit an employability assessment form which contains objective reasons why the injured worker is employable. Within twenty calendar days of receipt of an employability assessment form, the supervisor's designee within the self-insurance section will inform the self-insurer and the injured worker as to whether or not self-insurers determination of employability is approved. If an employability determination cannot be made due to medical instability, the self-insured shall request an extension by notifying the self-insurance section of the injured worker's condition and when a determination can be made. If the request for extension is not approved, notice will be sent within fifteen calendar days of receipt.

(2) The supervisor's designee within the self-insurance section of the department will receive from the self-insurer the vocational rehabilitation plan signed by the injured worker and employer. Within ten calendar days of receipt of the vocational plan, the supervisor's designee will inform the self-insurer, the vocational rehabilitation counselor and the injured worker that the plan has been received. A review of the vocational rehabilitation plan by the supervisor's designee will be initiated upon request by the employer or the injured worker. ((The supervisor's designee shall notify the parties within fifteen calendar days of receipt of the results of the review.))



Reasons for the review must be stated in writing. A request for a plan review must be made prior to completion or termination of the plan. If necessary, conflict resolution techniques, such as conferences and fact-finding, will be used in order to resolve problems with the plan in as fair and expedient manner as possible. The supervisor's designee shall notify the parties of the plan review results no later than sixty days from the date the request was received.

Disputes of the supervisor's designee's determination must be submitted to the director in accordance with WAC 296-18A-470.

((At the)) (3) Upon completion of ((each case)) the formal program, the self-insurer ((shall provide)) will submit to the self-insurance section ((and the office of rehabilitation services a rehabilitation outcome report on a form prescribed by the department)) a closing report. Within ten calendar days of receipt of the closing report, the supervisor's designee shall inform the injured worker and employer that vocational services have concluded.

(4) The self-insurer shall provide the self-insurance section with a rehabilitation outcome report on a form prescribed by the department. The rehabilitation outcome report shall be attached to the final self-insurer's report on occupational injury or disease (SIF-5) or, in the case of medical only claims, with the self-insurers accident report (SIF-2), which is submitted at the time of claim closure. A rehabilitation outcome report will be submitted on all claims where vocational rehabilitation services have been provided.

**WSR 88-12-097**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed June 1, 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 forest practices regulations pertaining to water quality;

that the agency will at 7:00 p.m., Wednesday, July 6, 1988, in the Spokane Public Health Building, West 1101 College, Spokane, WA, and at 7:00 p.m., Wednesday, July 6, 1988, in the Spokane Public Health Building, West 1101 College, Spokane, WA, and at 7:00 p.m., Thursday, July 7, 1988, in the Hal Holmes Community Center, 2nd and Ruby, Ellensburg, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 4, 1988.

The authority under which these rules are proposed is RCW 76.09.040, Forest Practices Act of 1974.

The specific statute these rules are intended to implement is RCW 76.09.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 30, 1988.

Dated: May 23, 1988  
 By: Phillip C. Johnson  
 Deputy Director, Programs

### STATEMENT OF PURPOSE

Title: Chapter 173-202 WAC, Washington forest practices rules and regulations to protect water quality.

Description of Purpose: To set forth forest practice regulations pertaining to water quality protection.

Statutory Authority: RCW 76.09.040.

The proposed amendments to Title 222 WAC and chapter 173-202 WAC provide increased protection for water quality through riparian zone protection from operational constraints and requirements for leave trees in Eastern Washington.

Reasons Supporting Proposed Actions: Public concern about forest practices impacts on water quality, particularly the harvest or riparian areas.

Agency Personnel Responsible for Drafting and Implementation: David J. Roberts, PV-11, Olympia, (206) 438-7088; and Enforcement: [No information supplied by agency]

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The proposed rules better meet the intent and purposes of the Forest Practices Act by recognizing regional differences in forest conditions, forest types and water quality requirements for fish and drinking water.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency]

Small Business Economic Impact Statement: Yes.

### Summary of Proposed Revisions to Chapter 173-202 WAC

Introduction: The Forest Practices Act of 1974 (RCW 76.09.040) authorizes the adoption of regulations establishing standards for forest practices. Forest practices regulations pertaining to water quality protection are to be adopted individually by the Forest Practices Board and the Department of Ecology after they have reached agreement on the content. These changes were agreed upon by the timber, fish and wildlife participants and have been proposed by the Forest Practices Board. The recommendations resulted from a large scale interdisciplinary review of forest practices and habitat requirements in riparian areas of Eastern Washington. Public hearing and comment period will occur in July with final adoption expected in October.

Proposed Revisions: The proposed revisions have the potential to provide increased water quality by providing better sediment control through the recruitment of large organic material and greater amounts of shade cover than the previous version of the rules.

### Summary of Changes to the Forest Practices Rules Concerning Eastern Washington Riparian Areas

The current forest practice rules have specific leave tree requirements for protecting streams in forested areas of the state. The requirements focus mainly on fish bearing streams, but alternative methods for protecting headwater streams are also provided.

Two sets of leave tree requirements currently exist. One set addresses the needs of Northeastern Washington while the second set of rules applies to the rest of the state. Through the timber, fish and wildlife (TFW) agreement, participants committed to review these rules in light of good field data and, if necessary, agreed to propose reasonable changes.

As a result, a large scale interdisciplinary review was carried out to quantify conditions in both natural and managed riparian areas of forests across the east side of the state. The TFW participants reviewed the data and together produced a negotiated agreement for managing riparian zones in a new way. A new rule was drafted and has since been approved by the Forest Practices Board.

This new rule addresses not only the fisheries needs, but now has been expanded to address water quality and wildlife needs. The change provides greater protection for public resources by requiring wider riparian management zones and more leave trees than were previously required.

#### Regulatory Fairness Act Statement

**Summary of Rule:** Amendment of WAC 173-202-020 is proposed to better design riparian management zones for protection of water quality, fish and wildlife habitat. In Eastern Washington riparian management zones are established with different criteria than those of Western Washington. The common boundary between the regions is described for purposes of RMZ design.

**Filing Date and List of Changes:** The proposed rules and the notice of hearing are scheduled for filing with the code reviser in May 1988, with regular rules adoption planned later in the year. Two public hearings are planned in July for review of the draft supplemental environmental impact statement (SEIS) and the rules. Amendments are proposed in WAC 173-202-020.

**Economic Analysis:** A previous economic analysis was commissioned by the Forest Practices Board. The analysis could not be completed because basic data on public resources and private operational costs were either unavailable or lacked adequate detail or were not verified, nor is adequate data available now. Copies of the economic analysis are available from the Washington State Library System and may be purchased at cost from the Department of Natural Resources. Proposed rule changes directly affect Eastern Washington landowners and operators. The actual costs may differ from existing rules. Studies are needed to determine impacts and costs of existing and proposed rules. A series of cooperative studies is being planned with the assistance of the timber, fish and wildlife group. Some of the studies will be partially funded by the legislature. Directly impacted are SIC Code 241 businesses of "Logging camps and contractors," and large and small landowners, SIC Code 081, "Timber Tracts." Some, perhaps all costs, will be absorbed by operators and landowners, except where markets and competition allow some costs to be passed through to purchasers.

**Mitigation of Increased Costs:** Costs for small operators in riparian management zones are reduced by allowing fewer leave trees and by providing the small landowner with agency assistance in the design of alternate

plans. Studies are planned to determine the effectiveness of the existing and proposed rules. There is an existing cooperative approach to review and change the rules as studies and need indicate.

**Small Business Exemption:** There are no exemptions for small businesses, but costs are mitigated for small operations and state planning assistance may be provided upon request of the small landowner. The Forest Practices Act and Title 222 WAC provide for administrative hearings and nonjudicial reviews by the Forest Practices Appeals Board. Dissatisfied landowners, operators and others may appeal administrative and enforcement actions of the Department of Natural Resources without resort to superior courts. Court appeals are also available. Small business interests have been active in rules adoption proceedings and rules have been modified in recognition of their needs.

**Actual Costs:** Actual costs will vary with site specific conditions and the capabilities of landowner and operator. Specialized equipment may have capabilities of landowner and operator. Specialized equipment may have to be purchased or rented or operations changed. Costs per \$100 of product could increase unless there were compensating improvements in productivity.

**AMENDATORY SECTION** (Amending Order 87-5, filed 11/10/87, effective 1/1/88)

WAC 173-202-020 CERTAIN WAC SECTIONS ADOPTED BY REFERENCE. The following sections of the Washington Administrative Code as now promulgated are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

- WAC 222-08-035—Continuing review of forest practices regulations.
- WAC 222-12-010—Authority.
- WAC 222-12-040—Alternate plans.
- WAC 222-12-045—Adaptive management.
- WAC 222-12-070—Enforcement policy.
- WAC 222-12-090—Forest practices board manual.
- WAC 222-16-010—General definitions.
- WAC 222-16-020—Water categories.
- WAC 222-16-030—Water typing system.
- WAC 222-16-050—Classes of forest practices.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4)—Road location.
- WAC 222-24-025 (5), (6), (7), (8), (9)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (8), (9), (10)—Road construction.
- WAC 222-24-035(1)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3)(c), (3)(e), (4), (5), (6), (7)—Harvest unit planning and design.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Temperature control.
- WAC 222-30-050 (1), (2), (3), (4)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (4)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (4), (6), (7), (8)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.
- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, application.

## Table of WAC Sections Affected

### KEY TO TABLE

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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4-25-142	NEW	88-05-015	16-228-215	AMD-P	88-09-077	16-231-430	REP-P	88-06-071
4-25-181	REP	88-06-021	16-228-220	AMD-P	88-09-077	16-231-430	REP-E	88-07-038
4-25-190	NEW	88-06-021	16-228-222	NEW-P	88-09-077	16-231-430	REP	88-09-013
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16-28-020	REP	88-05-003	16-228-228	NEW-P	88-09-077	16-231-535	REP-E	88-07-038
16-28-030	REP	88-05-003	16-228-232	NEW-P	88-09-077	16-231-535	REP	88-09-013
16-28-040	REP	88-05-003	16-228-400	NEW-E	88-07-033	16-231-625	REP-P	88-06-071
16-28-050	REP	88-05-003	16-228-410	NEW-E	88-07-033	16-231-625	REP-E	88-07-038
16-28-060	REP	88-05-003	16-228-420	NEW-E	88-07-033	16-231-625	REP	88-09-013
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16-156-005	NEW	88-07-024	16-231-035	REP-E	88-07-038	16-232-040	REP-P	88-06-071
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16-156-050	NEW	88-07-024	16-231-145	AMD	88-09-013	16-232-320	REP-E	88-07-038
16-156-060	NEW-P	88-04-073	16-231-150	REP-P	88-06-071	16-232-320	REP	88-09-013
16-156-060	NEW	88-07-024	16-231-150	REP-E	88-07-038	16-232-950	NEW-P	88-06-071
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16-316-0401	REP	88-11-042	16-470-620	NEW-E	88-12-082	44-10-165	NEW-E	88-04-079
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16-316-880	AMD	88-11-042	16-750-005	NEW-E	88-03-059	67-25-404	AMD-P	88-04-016
16-403-140	AMD-P	88-11-068	16-750-005	NEW	88-07-016	67-25-404	AMD	88-09-006
16-403-142	NEW-P	88-11-068	16-750-010	REP-P	88-03-057	67-25-570	AMD-P	88-04-016
16-403-180	AMD-P	88-11-068	16-750-010	REP-E	88-03-059	67-25-570	AMD	88-09-006
16-403-190	AMD-P	88-11-068	16-750-010	REP	88-07-016	98-11-005	NEW-P	88-03-062
16-403-195	AMD-P	88-11-068	16-750-011	NEW-P	88-03-057	98-11-005	NEW	88-07-032
16-403-280	AMD-P	88-11-068	16-750-011	NEW-E	88-03-059	98-40-050	AMD-P	88-03-062
16-436-100	AMD-P	88-08-071	16-750-011	NEW	88-07-016	98-40-050	AMD	88-07-032
16-436-100	AMD	88-11-048	16-750-015	NEW-P	88-03-057	100-100-050	AMD-P	88-11-076
16-436-110	AMD-P	88-08-071	16-750-015	NEW-E	88-03-059	100-100-050	AMD-E	88-11-077
16-436-110	AMD	88-11-048	16-750-015	NEW	88-07-016	106-116-850	NEW-P	88-07-017
16-436-140	AMD-P	88-08-071	16-750-900	NEW-P	88-03-057	106-116-850	NEW-E	88-11-065
16-436-140	AMD	88-11-048	16-750-900	NEW-E	88-03-059	106-116-850	NEW	88-11-066
16-436-160	AMD-P	88-08-071	16-750-900	NEW	88-07-016	106-116-853	NEW-P	88-07-017
16-436-160	AMD	88-11-048	16-752-001	AMD	88-04-044	106-116-853	NEW-E	88-11-065
16-436-165	NEW-P	88-08-071	16-752-115	NEW	88-04-044	106-116-853	NEW	88-11-066
16-436-165	NEW	88-11-048	16-752-120	NEW	88-04-044	106-116-856	NEW-P	88-07-017
16-436-170	AMD-P	88-08-071	16-752-125	NEW	88-04-044	106-116-856	NEW-E	88-11-065
16-436-170	AMD	88-11-048	16-752-130	NEW	88-04-044	106-116-856	NEW	88-11-066
16-436-185	AMD-P	88-08-071	16-752-135	NEW	88-04-044	106-116-859	NEW-P	88-07-017
16-436-185	AMD	88-11-048	16-752-140	NEW	88-04-044	106-116-859	NEW-E	88-11-065
16-436-190	AMD-P	88-08-071	16-752-145	NEW	88-04-044	106-116-859	NEW	88-11-066
16-436-190	AMD	88-11-048	16-752-150	NEW	88-04-044	106-116-901	AMD-P	88-07-017
16-436-220	AMD-P	88-08-071	16-752-155	NEW	88-04-044	106-116-901	AMD-E	88-11-065
16-436-220	AMD	88-11-048	16-752-160	NEW	88-04-044	106-116-901	AMD	88-11-066
16-470-010	AMD-E	88-12-082	16-752-165	NEW	88-04-044	113-12-200	AMD-P	88-05-058
16-470-010	AMD-P	88-12-083	16-752-170	NEW	88-04-044	132E-112-010	REP-P	88-06-020
16-470-015	AMD-E	88-12-082	16-752-200	NEW	88-04-044	132E-112-010	REP	88-10-014
16-470-015	AMD-P	88-12-083	16-752-201	NEW	88-04-044	132E-112-020	REP-P	88-06-020
16-470-600	NEW-E	88-09-002	16-752-202	NEW	88-04-044	132E-112-020	REP	88-10-014
16-470-600	NEW-E	88-12-082	16-752-203	NEW	88-04-044	132E-112-030	REP-P	88-06-020
16-470-600	NEW-P	88-12-083	16-752-204	NEW	88-04-044	132E-112-030	REP	88-10-014
16-470-605	NEW-E	88-09-002	44-10-040	NEW	88-04-081	132E-112-040	REP-P	88-06-020
16-470-605	NEW-E	88-12-082	44-10-050	AMD	88-04-081	132E-112-040	REP	88-10-014
16-470-605	NEW-P	88-12-083	44-10-055	NEW	88-04-081	132E-112-050	REP-P	88-06-020
16-470-610	NEW-E	88-09-002	44-10-060	NEW	88-04-081	132E-112-050	REP	88-10-014
16-470-610	NEW-E	88-12-082	44-10-070	NEW	88-04-081	132E-112-060	REP-P	88-06-020
16-470-610	NEW-P	88-12-083	44-10-080	NEW	88-04-081	132E-112-060	REP	88-10-014
16-470-615	NEW-E	88-09-002	44-10-110	NEW	88-04-081	132E-112-070	REP-P	88-06-020

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132E-112-070	REP	88-10-014	132I-14-040	REP	88-07-119	132I-120-435	NEW-P	88-03-048
132E-112-080	REP-P	88-06-020	132I-14-050	REP-P	88-03-047	132I-120-435	NEW	88-07-120
132E-112-080	REP	88-10-014	132I-14-050	REP	88-07-119	132I-120-440	NEW-P	88-03-048
132E-112-090	REP-P	88-06-020	132I-14-060	REP-P	88-03-047	132I-120-440	NEW	88-07-120
132E-112-090	REP	88-10-014	132I-14-060	REP	88-07-119	132I-120-445	NEW-P	88-03-048
132E-112-100	REP-P	88-06-020	132I-14-070	REP-P	88-03-047	132I-120-445	NEW	88-07-120
132E-112-100	REP	88-10-014	132I-14-070	REP	88-07-119	132I-120-500	NEW-P	88-03-048
132E-112-110	REP-P	88-06-020	132I-14-080	REP-P	88-03-047	132I-120-500	NEW	88-07-120
132E-112-110	REP	88-10-014	132I-14-080	REP	88-07-119	132I-120-510	NEW-P	88-03-048
132E-112-120	REP-P	88-06-020	132I-14-090	REP-P	88-03-047	132I-120-510	NEW	88-07-120
132E-112-120	REP	88-10-014	132I-14-090	REP	88-07-119	132I-120-520	NEW-P	88-03-048
132E-112-130	REP-P	88-06-020	132I-14-100	REP-P	88-03-047	132I-120-520	NEW	88-07-120
132E-112-130	REP	88-10-014	132I-14-100	REP	88-07-119	132N-20-010	NEW-P	88-11-047
132E-112-140	REP-P	88-06-020	132I-14-110	REP-P	88-03-047	132N-20-020	NEW-P	88-11-047
132E-112-140	REP	88-10-014	132I-14-110	REP	88-07-119	132N-20-030	NEW-P	88-11-047
132E-112-150	REP-P	88-06-020	132I-14-120	REP-P	88-03-047	132N-20-040	NEW-P	88-11-047
132E-112-150	REP	88-10-014	132I-14-120	REP	88-07-119	132N-20-050	NEW-P	88-11-047
132E-112-160	REP-P	88-06-020	132I-14-130	REP-P	88-03-047	132N-20-060	NEW-P	88-11-047
132E-112-160	REP	88-10-014	132I-14-130	REP	88-07-119	132N-20-070	NEW-P	88-11-047
132E-112-170	REP-P	88-06-020	132I-14-140	REP-P	88-03-047	132N-20-080	NEW-P	88-11-047
132E-112-170	REP	88-10-014	132I-14-140	REP	88-07-119	132N-20-090	NEW-P	88-11-047
132E-112-180	REP-P	88-06-020	132I-14-150	REP-P	88-03-047	132P-40-001	NEW-P	88-04-024
132E-112-180	REP	88-10-014	132I-14-150	REP	88-07-119	132P-40-001	NEW	88-12-012
132E-112-190	REP-P	88-06-020	132I-14-160	REP-P	88-03-047	132T-05-060	AMD-P	88-03-045
132E-112-190	REP	88-10-014	132I-14-160	REP	88-07-119	132T-05-060	AMD	88-07-019
132E-112-200	REP-P	88-06-020	132I-14-170	REP-P	88-03-047	132T-128-010	REP-P	88-03-046
132E-112-200	REP	88-10-014	132I-14-170	REP	88-07-119	132T-128-010	REP	88-07-020
132E-112-210	REP-P	88-06-020	132I-14-180	REP-P	88-03-047	132T-128-020	REP-P	88-03-046
132E-112-210	REP	88-10-014	132I-14-180	REP	88-07-119	132T-128-020	REP	88-07-020
132E-112-220	REP-P	88-06-020	132I-14-190	REP-P	88-03-047	132T-128-030	REP-P	88-03-046
132E-112-220	REP	88-10-014	132I-14-190	REP	88-07-119	132T-128-030	REP	88-07-020
132E-112-230	REP-P	88-06-020	132I-14-200	REP-P	88-03-047	132T-128-040	REP-P	88-03-046
132E-112-230	REP	88-10-014	132I-14-200	REP	88-07-119	132T-128-040	REP	88-07-020
132E-124-030	REP-P	88-08-022	132I-14-210	REP-P	88-03-047	132T-128-050	REP-P	88-03-046
132E-124-030	REP	88-12-004	132I-14-210	REP	88-07-119	132T-128-050	REP	88-07-020
132E-124-040	REP-P	88-08-022	132I-120-010	NEW-P	88-03-048	132T-128-060	REP-P	88-03-046
132E-124-040	REP	88-12-004	132I-120-010	NEW	88-07-120	132T-128-060	REP	88-07-020
132E-124-050	REP-P	88-08-022	132I-120-020	NEW-P	88-03-048	132T-128-070	REP-P	88-03-046
132E-124-050	REP	88-12-004	132I-120-020	NEW	88-07-120	132T-128-070	REP	88-07-020
132E-124-060	REP-P	88-08-022	132I-120-030	NEW-P	88-03-048	132T-128-080	REP-P	88-03-046
132E-124-060	REP	88-12-004	132I-120-030	NEW	88-07-120	132T-128-080	REP	88-07-020
132E-168-010	REP-P	88-08-019	132I-120-100	NEW-P	88-03-048	132T-128-090	REP-P	88-03-046
132E-168-010	REP	88-12-006	132I-120-100	NEW	88-07-120	132T-128-090	REP	88-07-020
132E-168-020	REP-P	88-08-019	132I-120-300	NEW-P	88-03-048	132U-04	REP-C	88-12-020
132E-168-020	REP	88-12-006	132I-120-300	NEW	88-07-120	132U-04-100	REP-P	88-07-029
132E-168-030	REP-P	88-08-019	132I-120-305	NEW-P	88-03-048	132U-04-110	REP-P	88-07-029
132E-168-030	REP	88-12-006	132I-120-305	NEW	88-07-120	132U-10	REP-C	88-12-020
132E-168-040	REP-P	88-08-019	132I-120-310	NEW-P	88-03-048	132U-10-100	REP-P	88-07-029
132E-168-040	REP	88-12-006	132I-120-310	NEW	88-07-120	132U-10-110	REP-P	88-07-029
132E-168-050	REP-P	88-08-019	132I-120-315	NEW-P	88-03-048	132U-10-120	REP-P	88-07-029
132E-168-050	REP	88-12-006	132I-120-315	NEW	88-07-120	132U-10-130	REP-P	88-07-029
132E-168-060	REP-P	88-08-019	132I-120-320	NEW-P	88-03-048	132U-10-140	REP-P	88-07-029
132E-168-060	REP	88-12-006	132I-120-320	NEW	88-07-120	132U-10-150	REP-P	88-07-029
132E-168-070	REP-P	88-08-019	132I-120-325	NEW-P	88-03-048	132U-10-160	REP-P	88-07-029
132E-168-070	REP	88-12-006	132I-120-325	NEW	88-07-120	132U-10-170	REP-P	88-07-029
132E-168-080	REP-P	88-08-019	132I-120-330	NEW-P	88-03-048	132U-10-180	REP-P	88-07-029
132E-168-080	REP	88-12-006	132I-120-330	NEW	88-07-120	132U-10-190	REP-P	88-07-029
132E-168-090	REP-P	88-08-019	132I-120-335	NEW-P	88-03-048	132U-10-200	REP-P	88-07-029
132E-168-090	REP	88-12-006	132I-120-335	NEW	88-07-120	132U-10-210	REP-P	88-07-029
132E-276-030	AMD-P	88-08-053	132I-120-340	NEW-P	88-03-048	132U-10-220	REP-P	88-07-029
132E-276-030	AMD	88-12-005	132I-120-340	NEW	88-07-120	132U-10-230	REP-P	88-07-029
132E-276-060	AMD-P	88-10-023	132I-120-345	NEW-P	88-03-048	132U-10-240	REP-P	88-07-029
132E-276-070	AMD-P	88-10-023	132I-120-345	NEW	88-07-120	132U-36	REP-C	88-12-020
132F-120-090	AMD-P	88-03-044	132I-120-400	NEW-P	88-03-048	132U-36-010	REP-P	88-07-029
132F-120-090	AMD	88-08-069	132I-120-400	NEW	88-07-120	132U-40	REP-C	88-12-020
132H-105-140	AMD-P	88-06-058	132I-120-405	NEW-P	88-03-048	132U-40-010	REP-P	88-07-029
132H-105-140	AMD-P	88-07-089	132I-120-405	NEW	88-07-120	132U-40-020	REP-P	88-07-029
132H-200-200	NEW-P	88-04-059	132I-120-410	NEW-P	88-03-048	132U-40-030	REP-P	88-07-029
132H-200-200	NEW	88-07-036	132I-120-410	NEW	88-07-120	132U-40-040	REP-P	88-07-029
132H-200-250	NEW-P	88-07-088	132I-120-415	NEW-P	88-03-048	132U-40-050	REP-P	88-07-029
132I-14-010	REP-P	88-03-047	132I-120-415	NEW	88-07-120	132U-40-060	REP-P	88-07-029
132I-14-010	REP	88-07-119	132I-120-420	NEW-P	88-03-048	132U-40-070	REP-P	88-07-029
132I-14-020	REP-P	88-03-047	132I-120-420	NEW	88-07-120	132U-40-080	REP-P	88-07-029
132I-14-020	REP	88-07-119	132I-120-425	NEW-P	88-03-048	132U-40-090	REP-P	88-07-029
132I-14-030	REP-P	88-03-047	132I-120-425	NEW	88-07-120	132U-40-100	REP-P	88-07-029
132I-14-030	REP	88-07-119	132I-120-430	NEW-P	88-03-048	132U-40-110	REP-P	88-07-029
132I-14-040	REP-P	88-03-047	132I-120-430	NEW	88-07-120	132U-40-120	REP-P	88-07-029

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132U-40-130	REP-P	88-07-029	132U-120-260	NEW-P	88-07-029	154-04-040	AMD-P	88-09-075
132U-40-140	REP-P	88-07-029	132U-120-270	NEW-P	88-07-029	154-04-040	AMD	88-12-028
132U-52-010	NEW-E	88-02-047	132U-120-280	NEW-P	88-07-029	154-12-015	AMD-P	88-09-075
132U-52-010	NEW-P	88-04-070	132U-120-290	NEW-P	88-07-029	154-12-015	AMD	88-12-028
132U-52-010	NEW	88-07-057	132U-120-300	NEW-P	88-07-029	154-12-020	AMD-P	88-09-075
132U-80	REP-C	88-12-020	132U-120-310	NEW-P	88-07-029	154-12-020	AMD	88-12-028
132U-80-010	REP-P	88-07-029	132U-120-320	NEW-P	88-07-029	154-12-030	AMD-P	88-09-075
132U-80-020	REP-P	88-07-029	132U-120-330	NEW-P	88-07-029	154-12-030	AMD	88-12-028
132U-80-030	REP-P	88-07-029	132U-122	NEW-C	88-12-020	154-12-110	AMD-P	88-09-075
132U-80-060	REP-P	88-07-029	132U-122-010	NEW-P	88-07-029	154-12-110	AMD	88-12-028
132U-80-065	REP-P	88-07-029	132U-122-020	NEW-P	88-07-029	154-24-010	AMD-P	88-09-075
132U-80-070	REP-P	88-07-029	132U-140	NEW-C	88-12-020	154-24-010	AMD	88-12-028
132U-80-080	REP-P	88-07-029	132U-140-010	NEW-P	88-07-029	154-110-010	NEW-P	88-07-104
132U-80-090	REP-P	88-07-029	132U-140-020	NEW-P	88-07-029	154-110-010	NEW	88-11-028
132U-80-100	REP-P	88-07-029	132U-140-030	NEW-P	88-07-029	154-110-015	NEW-P	88-07-104
132U-80-105	REP-P	88-07-029	132U-140-040	NEW-P	88-07-029	154-110-015	NEW	88-11-028
132U-80-110	REP-P	88-07-029	132U-140-050	NEW-P	88-07-029	154-110-020	NEW-P	88-07-104
132U-80-115	REP-P	88-07-029	132U-140-060	NEW-P	88-07-029	154-110-020	NEW	88-11-028
132U-80-125	REP-P	88-07-029	132U-140-070	NEW-P	88-07-029	154-110-030	NEW-P	88-07-104
132U-80-200	REP-P	88-07-029	132U-276	NEW-C	88-12-020	154-110-030	NEW	88-11-028
132U-80-205	REP-P	88-07-029	132U-276-100	NEW-P	88-07-029	154-120-010	NEW-P	88-07-104
132U-80-210	REP-P	88-07-029	132U-276-110	NEW-P	88-07-029	154-120-010	NEW	88-11-028
132U-80-220	REP-P	88-07-029	132U-276-120	NEW-P	88-07-029	154-120-015	NEW-P	88-07-104
132U-80-230	REP-P	88-07-029	132U-276-130	NEW-P	88-07-029	154-120-015	NEW	88-11-028
132U-80-235	REP-P	88-07-029	132U-276-140	NEW-P	88-07-029	154-120-020	NEW-P	88-07-104
132U-80-240	REP-P	88-07-029	132U-276-150	NEW-P	88-07-029	154-120-020	NEW	88-11-028
132U-80-245	REP-P	88-07-029	132U-276-160	NEW-P	88-07-029	154-120-025	NEW-P	88-07-104
132U-80-250	REP-P	88-07-029	132U-276-170	NEW-P	88-07-029	154-120-025	NEW	88-11-028
132U-80-255	REP-P	88-07-029	132U-276-180	NEW-P	88-07-029	154-120-030	NEW-P	88-07-104
132U-80-265	REP-P	88-07-029	132U-276-190	NEW-P	88-07-029	154-120-030	NEW	88-11-028
132U-80-300	REP-P	88-07-029	132U-276-200	NEW-P	88-07-029	154-120-035	NEW-P	88-07-104
132U-80-310	REP-P	88-07-029	132U-276-210	NEW-P	88-07-029	154-120-035	NEW	88-11-028
132U-80-320	REP-P	88-07-029	132U-276-220	NEW-P	88-07-029	154-120-040	NEW-P	88-07-104
132U-80-330	REP-P	88-07-029	132U-276-230	NEW-P	88-07-029	154-120-040	NEW	88-11-028
132U-80-340	REP-P	88-07-029	132U-276-240	NEW-P	88-07-029	154-120-045	NEW-P	88-07-104
132U-80-350	REP-P	88-07-029	132U-280	NEW-C	88-12-020	154-120-045	NEW	88-11-028
132U-80-360	REP-P	88-07-029	132U-280-010	NEW-P	88-07-029	154-120-050	NEW-P	88-07-104
132U-80-370	REP-P	88-07-029	132U-280-015	NEW-P	88-07-029	154-120-050	NEW	88-11-028
132U-104	NEW-C	88-12-020	132U-280-020	NEW-P	88-07-029	154-120-055	NEW-P	88-07-104
132U-104-010	NEW-P	88-07-029	132U-280-025	NEW-P	88-07-029	154-120-055	NEW	88-11-028
132U-104-020	NEW-P	88-07-029	132U-280-030	NEW-P	88-07-029	154-130-010	NEW-P	88-07-104
132U-104-030	NEW-P	88-07-029	132U-280-035	NEW-P	88-07-029	154-130-010	NEW	88-11-028
132U-116-010	NEW-E	88-02-047	132U-300	NEW-C	88-12-020	154-130-020	NEW-P	88-07-104
132U-116-010	NEW-P	88-04-070	132U-300-010	NEW-P	88-07-029	154-130-020	NEW	88-11-028
132U-116-010	NEW	88-07-057	132U-300-020	NEW-P	88-07-029	154-130-030	NEW-P	88-07-104
132U-116-020	NEW-E	88-02-047	132U-325	NEW-C	88-12-020	154-130-030	NEW	88-11-028
132U-116-020	NEW-P	88-04-070	132U-325-010	NEW-P	88-07-029	154-140-010	NEW-P	88-07-104
132U-116-020	NEW	88-07-057	132Y-20-010	REP-P	88-06-023	154-140-010	NEW	88-11-028
132U-116-030	NEW-E	88-02-047	132Y-140-001	REP-P	88-06-024	154-140-020	NEW-P	88-07-104
132U-116-030	NEW-P	88-04-070	132Y-140-101	REP-P	88-06-024	154-140-020	NEW	88-11-028
132U-116-030	NEW	88-07-057	132Y-140-108	REP-P	88-06-024	154-140-030	NEW-P	88-07-104
132U-120	NEW-C	88-12-020	132Y-140-112	REP-P	88-06-024	154-140-030	NEW	88-11-028
132U-120-010	NEW-P	88-07-029	132Y-140-116	REP-P	88-06-024	154-150-010	NEW-P	88-07-104
132U-120-020	NEW-P	88-07-029	136-15-010	NEW-P	88-12-079	154-150-010	NEW	88-11-028
132U-120-030	NEW-P	88-07-029	136-15-020	NEW-P	88-12-079	154-150-020	NEW-P	88-07-104
132U-120-040	NEW-P	88-07-029	136-15-030	NEW-P	88-12-079	154-150-020	NEW	88-11-028
132U-120-050	NEW-P	88-07-029	136-15-040	NEW-P	88-12-079	154-150-030	NEW-P	88-07-104
132U-120-060	NEW-P	88-07-029	136-15-050	NEW-P	88-12-079	154-150-030	NEW	88-11-028
132U-120-070	NEW-P	88-07-029	136-15-060	NEW-P	88-12-079	154-150-040	NEW-P	88-07-104
132U-120-080	NEW-P	88-07-029	136-130-050	AMD-C	88-09-034	154-150-040	NEW	88-11-028
132U-120-090	NEW-P	88-07-029	136-130-050	AMD	88-12-080	154-150-050	NEW-P	88-07-104
132U-120-100	NEW-P	88-07-029	136-130-060	AMD	88-05-040	154-150-050	NEW	88-11-028
132U-120-110	NEW-P	88-07-029	136-130-070	AMD	88-05-040	154-160-010	NEW-P	88-07-104
132U-120-120	NEW-P	88-07-029	136-160-050	AMD	88-05-040	154-160-010	NEW	88-11-028
132U-120-130	NEW-P	88-07-029	136-160-060	AMD-P	88-12-079	154-160-020	NEW-P	88-07-104
132U-120-140	NEW-P	88-07-029	136-160-065	NEW	88-05-040	154-160-020	NEW	88-11-028
132U-120-150	NEW-P	88-07-029	136-220-020	AMD-P	88-12-079	154-170-010	NEW-P	88-07-104
132U-120-160	NEW-P	88-07-029	136-220-030	AMD-P	88-12-079	154-170-010	NEW	88-11-028
132U-120-170	NEW-P	88-07-029	137-60-040	AMD-W	88-04-043	154-180-010	NEW-P	88-07-104
132U-120-180	NEW-P	88-07-029	137-78-010	NEW-P	88-12-002	154-180-010	NEW	88-11-028
132U-120-190	NEW-P	88-07-029	137-78-020	NEW-P	88-12-002	154-180-020	NEW-P	88-07-104
132U-120-200	NEW-P	88-07-029	137-78-030	NEW-P	88-12-002	154-180-020	NEW	88-11-028
132U-120-210	NEW-P	88-07-029	137-78-040	NEW-P	88-12-002	154-180-030	NEW-P	88-07-104
132U-120-220	NEW-P	88-07-029	137-78-050	NEW-P	88-12-002	154-180-030	NEW	88-11-028
132U-120-230	NEW-P	88-07-029	137-78-060	NEW-P	88-12-002	154-180-040	NEW-P	88-07-104
132U-120-240	NEW-P	88-07-029	137-78-070	NEW-P	88-12-002	154-180-040	NEW	88-11-028
132U-120-250	NEW-P	88-07-029	137-78-080	NEW-P	88-12-002	154-180-050	NEW-P	88-07-104

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
154-180-050	NEW	88-11-028	173-95-100	NEW-P	88-09-076	173-160-090	REP	88-08-070
154-180-060	NEW-P	88-07-104	173-95-110	NEW-P	88-09-076	173-160-09001	REP	88-08-070
154-180-060	NEW	88-11-028	173-95-120	NEW-P	88-09-076	173-160-095	NEW	88-08-070
154-180-070	NEW-P	88-07-104	173-95-130	NEW-P	88-09-076	173-160-100	REP	88-08-070
154-180-070	NEW	88-11-028	173-95-140	NEW-P	88-09-076	173-160-105	NEW	88-08-070
154-190-010	NEW-P	88-07-104	173-95-150	NEW-P	88-09-076	173-160-110	REP	88-08-070
154-190-010	NEW	88-11-028	173-95-160	NEW-P	88-09-076	173-160-115	NEW	88-08-070
154-200-010	NEW-P	88-07-104	173-100-050	AMD-P	88-09-054	173-160-120	REP	88-08-070
154-200-010	NEW	88-11-028	173-100-160	NEW-P	88-09-054	173-160-125	NEW	88-08-070
154-200-020	NEW-P	88-07-104	173-110-010	NEW-E	88-08-020	173-160-130	REP	88-08-070
154-200-020	NEW	88-11-028	173-110-020	NEW-E	88-08-020	173-160-135	NEW	88-08-070
154-200-030	NEW-P	88-07-104	173-110-030	NEW-E	88-08-020	173-160-140	REP	88-08-070
154-200-030	NEW	88-11-028	173-110-040	NEW-E	88-08-020	173-160-150	REP	88-08-070
154-200-040	NEW-P	88-07-104	173-110-050	NEW-E	88-08-020	173-160-160	REP	88-08-070
154-200-040	NEW	88-11-028	173-110-060	NEW-E	88-08-020	173-160-170	REP	88-08-070
162-18-010	REP-P	88-09-080	173-110-070	NEW-E	88-08-020	173-160-180	REP	88-08-070
162-18-020	REP-P	88-09-080	173-110-080	NEW-E	88-08-020	173-160-190	REP	88-08-070
162-18-030	REP-P	88-09-080	173-110-090	NEW-E	88-08-020	173-160-200	REP	88-08-070
162-18-040	REP-P	88-09-080	173-110-100	NEW-E	88-08-020	173-160-205	NEW	88-08-070
162-18-050	REP-P	88-09-080	173-124-06001	REP-P	88-09-054	173-160-210	REP	88-08-070
162-18-060	REP-P	88-09-080	173-124-070	NEW-P	88-09-054	173-160-215	NEW	88-08-070
162-18-070	REP-P	88-09-080	173-124-080	NEW-P	88-09-054	173-160-220	REP	88-08-070
162-18-080	REP-P	88-09-080	173-128A-060	NEW-P	88-09-054	173-160-225	NEW	88-08-070
162-18-090	REP-P	88-09-080	173-130A-215	NEW-P	88-09-054	173-160-230	REP	88-08-070
162-18-100	REP-P	88-09-080	173-130A-217	NEW-P	88-09-054	173-160-235	NEW	88-08-070
162-18-110	NEW-P	88-09-080	173-130A-220	AMD-P	88-09-054	173-160-240	REP	88-08-070
162-18-120	NEW-P	88-09-080	173-132-060	NEW-P	88-09-054	173-160-245	NEW	88-08-070
162-18-130	NEW-P	88-09-080	173-134A-150	AMD-P	88-09-054	173-160-250	REP	88-08-070
162-18-140	NEW-P	88-09-080	173-134A-165	NEW-P	88-09-054	173-160-255	NEW	88-08-070
162-18-150	NEW-P	88-09-080	173-134A-170	AMD-P	88-09-054	173-160-260	REP	88-08-070
162-18-160	NEW-P	88-09-080	173-136-095	NEW-P	88-09-054	173-160-265	NEW	88-08-070
162-19-010	NEW-P	88-09-080	173-136-100	AMD-P	88-09-054	173-160-270	REP	88-08-070
162-19-020	NEW-P	88-09-080	173-136-110	NEW-P	88-09-054	173-160-275	NEW	88-08-070
162-19-030	NEW-P	88-09-080	173-150-125	NEW-P	88-09-054	173-160-280	REP	88-08-070
162-19-040	NEW-P	88-09-080	173-150-130	AMD-P	88-09-054	173-160-285	NEW	88-08-070
162-19-060	NEW-P	88-09-080	173-150-135	NEW-P	88-09-054	173-160-290	REP	88-08-070
162-19-070	NEW-P	88-09-080	173-154-095	NEW-P	88-09-054	173-160-295	NEW	88-08-070
162-19-080	NEW-P	88-09-080	173-154-100	AMD-P	88-09-054	173-160-300	REP	88-08-070
162-19-090	NEW-P	88-09-080	173-154-105	NEW-P	88-09-054	173-160-305	NEW	88-08-070
173-14	AMD-C	88-04-091	173-158-010	NEW-P	88-05-042	173-160-310	REP	88-08-070
173-14-030	AMD-W	88-07-006	173-158-010	NEW	88-10-058	173-160-315	NEW	88-08-070
173-14-030	AMD-P	88-12-067	173-158-020	NEW-P	88-05-042	173-160-320	REP	88-08-070
173-14-060	AMD-W	88-07-006	173-158-020	NEW	88-10-058	173-160-325	NEW	88-08-070
173-14-061	NEW-W	88-07-006	173-158-030	NEW-P	88-05-042	173-160-330	REP	88-08-070
173-18-280	AMD	88-03-070	173-158-030	NEW	88-10-058	173-160-335	NEW	88-08-070
173-19-130	AMD	88-07-009	173-158-040	NEW-P	88-05-042	173-160-340	REP	88-08-070
173-19-220	AMD-P	88-03-069	173-158-040	NEW	88-10-058	173-160-345	NEW	88-08-070
173-19-220	AMD-P	88-08-063	173-158-050	NEW-P	88-05-042	173-160-350	REP	88-08-070
173-19-220	AMD	88-08-089	173-158-050	NEW	88-10-058	173-160-355	NEW	88-08-070
173-19-2201	AMD-P	88-08-064	173-158-060	NEW-P	88-05-042	173-160-360	REP	88-08-070
173-19-2202	AMD-P	88-08-065	173-158-060	NEW	88-10-058	173-160-365	NEW	88-08-070
173-19-2204	AMD-P	88-08-066	173-158-070	NEW-P	88-05-042	173-160-370	REP	88-08-070
173-19-2207	AMD-P	88-08-067	173-158-070	NEW	88-10-058	173-160-375	NEW	88-08-070
173-19-2208	AMD-P	88-08-068	173-158-080	NEW-P	88-05-042	173-160-380	REP	88-08-070
173-19-2507	AMD-C	88-04-092	173-158-080	NEW	88-10-058	173-160-385	NEW	88-08-070
173-19-2507	AMD	88-07-008	173-158-090	NEW-P	88-05-042	173-160-395	NEW	88-08-070
173-19-2516	AMD-P	88-12-068	173-158-090	NEW	88-10-058	173-160-405	NEW	88-08-070
173-19-310	AMD-W	88-02-053	173-158-100	NEW-P	88-05-042	173-160-415	NEW	88-08-070
173-19-310	AMD-P	88-02-054	173-158-100	NEW	88-10-058	173-160-420	NEW	88-08-070
173-19-310	AMD	88-07-010	173-158-110	NEW-P	88-05-042	173-160-425	NEW	88-08-070
173-19-3302	AMD	88-02-064	173-158-110	NEW	88-10-058	173-160-435	NEW	88-08-070
173-19-3501	AMD-P	88-05-066	173-158-120	NEW-P	88-05-042	173-160-445	NEW	88-08-070
173-19-3501	AMD	88-10-059	173-158-120	NEW	88-10-058	173-160-455	NEW	88-08-070
173-19-3512	AMD-C	88-02-063	173-160	AMD-C	88-04-071	173-160-465	NEW	88-08-070
173-19-3512	AMD-C	88-04-093	173-160	AMD	88-08-070	173-160-475	NEW	88-08-070
173-19-3512	AMD	88-07-007	173-160-010	AMD	88-08-070	173-160-500	NEW	88-08-070
173-19-360	AMD-P	88-12-069	173-160-020	AMD	88-08-070	173-160-510	NEW	88-08-070
173-22-0648	AMD	88-03-070	173-160-030	AMD	88-08-070	173-160-520	NEW	88-08-070
173-95-010	NEW-P	88-09-076	173-160-040	AMD	88-08-070	173-160-530	NEW	88-08-070
173-95-020	NEW-P	88-09-076	173-160-050	AMD	88-08-070	173-160-540	NEW	88-08-070
173-95-030	NEW-P	88-09-076	173-160-055	NEW	88-08-070	173-160-550	NEW	88-08-070
173-95-040	NEW-P	88-09-076	173-160-060	REP	88-08-070	173-160-560	NEW	88-08-070
173-95-050	NEW-P	88-09-076	173-160-065	NEW	88-08-070	173-162	AMD-C	88-04-071
173-95-060	NEW-P	88-09-076	173-160-070	REP	88-08-070	173-162	AMD	88-08-070
173-95-070	NEW-P	88-09-076	173-160-075	NEW	88-08-070	173-162-010	AMD	88-08-070
173-95-080	NEW-P	88-09-076	173-160-080	REP	88-08-070	173-162-020	AMD	88-08-070
173-95-090	NEW-P	88-09-076	173-160-085	NEW	88-08-070	173-162-030	AMD	88-08-070



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-162-040	AMD	88-08-070	173-303-802	AMD	88-07-039	173-340-030	NEW-E	88-07-106
173-162-050	AMD	88-08-070	173-303-805	AMD	88-07-039	173-340-030	NEW-C	88-10-055
173-162-060	AMD	88-08-070	173-303-806	AMD	88-07-039	173-340-040	NEW-P	88-07-105
173-162-100	AMD	88-08-070	173-303-901	NEW	88-07-039	173-340-040	NEW-E	88-07-106
173-162-110	REP	88-08-070	173-303-910	AMD	88-02-057	173-340-040	NEW-C	88-10-055
173-162-130	AMD	88-08-070	173-304	AMD-C	88-08-062	173-340-050	NEW-P	88-07-105
173-162-140	AMD	88-08-070	173-304-100	AMD-P	88-04-074	173-340-050	NEW-E	88-07-106
173-162-150	REP	88-08-070	173-304-400	AMD-P	88-04-074	173-340-050	NEW-C	88-10-055
173-162-160	REP	88-08-070	173-304-405	AMD-P	88-04-074	173-400-115	AMD-P	88-10-053
173-162-170	AMD	88-08-070	173-304-407	NEW-P	88-04-074	173-403-030	AMD-P	88-10-053
173-162-180	REP	88-08-070	173-304-430	AMD-P	88-04-074	173-403-050	AMD-P	88-10-053
173-162-190	AMD	88-08-070	173-304-450	AMD-P	88-04-074	173-403-080	AMD-P	88-10-053
173-162-200	NEW	88-08-070	173-304-460	AMD-P	88-04-074	173-425-030	AMD-P	88-10-053
173-162-210	NEW	88-08-070	173-304-467	NEW-P	88-04-074	173-425-035	REP-P	88-10-053
173-162-220	NEW	88-08-070	173-304-600	AMD-P	88-04-074	173-425-036	NEW-P	88-10-053
173-164-050	AMD-P	88-09-054	173-306-010	NEW-P	88-12-072	173-425-045	AMD-P	88-10-053
173-164-080	NEW-P	88-09-054	173-306-010	NEW-E	88-12-073	173-425-065	AMD-P	88-10-053
173-166-070	NEW-P	88-09-054	173-306-020	NEW-P	88-12-072	173-425-075	AMD-P	88-10-053
173-201	AMD	88-02-058	173-306-020	NEW-E	88-12-073	173-425-085	AMD-P	88-10-053
173-201-010	AMD	88-02-058	173-306-030	NEW-P	88-12-072	173-425-095	AMD-P	88-10-053
173-201-025	AMD	88-02-058	173-306-030	NEW-E	88-12-073	173-425-130	AMD-P	88-10-053
173-201-035	AMD	88-02-058	173-306-040	NEW-P	88-12-072	173-433-030	AMD-P	88-10-052
173-201-045	AMD	88-02-058	173-306-040	NEW-E	88-12-073	173-433-100	AMD-P	88-10-052
173-201-047	NEW	88-02-058	173-306-050	NEW-P	88-12-072	173-433-120	AMD-P	88-10-052
173-201-070	AMD	88-02-058	173-306-050	NEW-E	88-12-073	173-433-130	NEW-P	88-10-052
173-201-080	AMD	88-02-058	173-309-010	NEW-P	88-09-049	173-435-010	AMD-P	88-10-053
173-201-090	AMD	88-02-058	173-309-010	NEW-E	88-09-050	173-435-020	AMD-P	88-10-053
173-201-100	AMD	88-02-058	173-309-010	NEW-C	88-11-067	173-435-030	AMD-P	88-10-053
173-202-020	AMD-P	88-12-097	173-309-020	NEW-P	88-09-049	173-435-040	AMD-P	88-10-053
173-216-130	AMD-P	88-07-103	173-309-020	NEW-E	88-09-050	173-435-050	AMD-P	88-10-053
173-216-130	AMD	88-12-035	173-309-020	NEW-C	88-11-067	173-435-060	AMD-P	88-10-053
173-220-150	AMD-P	88-07-103	173-309-030	NEW-P	88-09-049	173-435-070	AMD-P	88-10-053
173-220-150	AMD	88-12-035	173-309-030	NEW-E	88-09-050	173-470-030	AMD-P	88-10-053
173-222-015	AMD-P	88-07-103	173-309-030	NEW-C	88-11-067	173-500-100	AMD-P	88-10-053
173-222-015	AMD	88-12-035	173-309-040	NEW-P	88-09-049	173-500-010	AMD-P	88-09-054
173-223-015	NEW-P	88-07-103	173-309-040	NEW-E	88-09-050	173-500-030	AMD-P	88-09-054
173-223-015	NEW	88-12-035	173-309-040	NEW-C	88-11-067	173-500-070	NEW-P	88-09-054
173-223-020	NEW-P	88-07-103	173-309-050	NEW-P	88-09-049	173-501-090	AMD-P	88-09-054
173-223-020	NEW	88-12-035	173-309-050	NEW-E	88-09-050	173-501-095	NEW-P	88-09-054
173-223-030	NEW-P	88-07-103	173-309-050	NEW-C	88-11-067	173-501-100	AMD-P	88-09-054
173-223-030	NEW	88-12-035	173-309-060	NEW-P	88-09-049	173-507-020	AMD-P	88-09-054
173-223-040	NEW-P	88-07-103	173-309-060	NEW-E	88-09-050	173-507-070	AMD-P	88-09-054
173-223-040	NEW	88-12-035	173-309-060	NEW-C	88-11-067	173-507-075	NEW-P	88-09-054
173-223-050	NEW-P	88-07-103	173-309-070	NEW-P	88-09-049	173-507-080	AMD-P	88-09-054
173-223-050	NEW	88-12-035	173-309-070	NEW-E	88-09-050	173-508-070	AMD-P	88-09-054
173-223-060	NEW-P	88-07-103	173-309-070	NEW-C	88-11-067	173-508-090	AMD-P	88-09-054
173-223-060	NEW	88-12-035	173-309-080	NEW-P	88-09-049	173-508-095	NEW-P	88-09-054
173-223-070	NEW-P	88-07-103	173-309-080	NEW-E	88-09-050	173-508-100	AMD-P	88-09-054
173-223-070	NEW	88-12-035	173-309-080	NEW-C	88-11-067	173-509-030	AMD-P	88-09-054
173-223-080	NEW-P	88-07-103	173-309-090	NEW-P	88-09-049	173-509-080	AMD-P	88-09-054
173-223-080	NEW	88-12-035	173-309-090	NEW-E	88-09-050	173-509-085	NEW-P	88-09-054
173-223-090	NEW-P	88-07-103	173-309-090	NEW-C	88-11-067	173-509-090	AMD-P	88-09-054
173-223-090	NEW	88-12-035	173-335-010	NEW-E	88-12-070	173-510-030	AMD-P	88-09-054
173-223-100	NEW-P	88-07-103	173-335-010	NEW-P	88-12-071	173-510-090	AMD-P	88-09-054
173-223-100	NEW	88-12-035	173-335-020	NEW-E	88-12-070	173-510-095	NEW-P	88-09-054
173-223-110	NEW	88-12-035	173-335-020	NEW-P	88-12-071	173-510-100	AMD-P	88-09-054
173-223-120	NEW-P	88-07-103	173-335-030	NEW-E	88-12-070	173-511-090	AMD-P	88-09-054
173-303	AMD-C	88-03-074	173-335-030	NEW-P	88-12-071	173-511-095	NEW-P	88-09-054
173-303	AMD-C	88-06-041	173-335-040	NEW-E	88-12-070	173-511-100	AMD-P	88-09-054
173-303-120	AMD	88-07-039	173-335-040	NEW-P	88-12-071	173-512-070	AMD-P	88-09-054
173-303-140	AMD	88-02-057	173-335-050	NEW-E	88-12-070	173-512-075	NEW-P	88-09-054
173-303-170	AMD	88-02-057	173-335-050	NEW-P	88-12-071	173-512-080	AMD-P	88-09-054
173-303-280	AMD	88-02-057	173-336-010	NEW-P	88-11-072	173-513-090	AMD-P	88-09-054
173-303-284	NEW	88-07-039	173-336-020	NEW-P	88-11-072	173-513-095	NEW-P	88-09-054
173-303-285	NEW	88-07-039	173-336-030	NEW-P	88-11-072	173-513-100	AMD-P	88-09-054
173-303-286	NEW	88-07-039	173-338-010	NEW-P	88-11-073	173-514-080	AMD-P	88-09-054
173-303-400	AMD	88-02-057	173-338-020	NEW-P	88-11-073	173-514-085	NEW-P	88-09-054
173-303-420	AMD	88-07-039	173-338-030	NEW-P	88-11-073	173-514-090	AMD-P	88-09-054
173-303-430	AMD	88-07-039	173-338-040	NEW-P	88-11-073	173-515-090	AMD-P	88-09-054
173-303-440	AMD	88-07-039	173-338-050	NEW-P	88-11-073	173-515-095	NEW-P	88-09-054
173-303-510	AMD	88-07-039	173-340-010	NEW-P	88-07-105	173-515-100	AMD-P	88-09-054
173-303-520	AMD	88-07-039	173-340-010	NEW-E	88-07-106	173-522-020	AMD-P	88-09-054
173-303-560	AMD	88-07-039	173-340-010	NEW-C	88-10-055	173-522-070	NEW-P	88-09-054
173-303-600	AMD	88-07-039	173-340-020	NEW-P	88-07-105	173-522-080	NEW-P	88-09-054
173-303-650	AMD	88-07-039	173-340-020	NEW-E	88-07-106	173-522-090	NEW-P	88-09-054
173-303-665	AMD	88-02-057	173-340-020	NEW-C	88-10-055	173-530-910	REP-P	88-09-054
173-303-800	AMD	88-07-039	173-340-030	NEW-P	88-07-105	173-530-920	REP-P	88-09-054



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173-530-930	REP-P	88-09-054	180-78-057	AMD	88-07-002	180-79-116	NEW-E	88-05-045
173-530-940	REP-P	88-09-054	180-78-060	AMD	88-07-002	180-79-116	NEW-P	88-05-051
173-530-950	REP-P	88-09-054	180-78-063	NEW	88-07-002	180-79-116	NEW	88-08-046
173-530-960	REP-P	88-09-054	180-78-065	NEW	88-07-002	180-79-117	NEW	88-05-047
173-531A-080	NEW-P	88-09-054	180-78-068	NEW	88-07-002	180-79-120	AMD	88-05-047
173-531A-090	NEW-P	88-09-054	180-78-070	NEW	88-07-002	180-79-122	NEW	88-05-047
173-532-090	NEW-P	88-09-054	180-78-073	NEW	88-07-002	180-79-125	AMD	88-05-047
173-532-100	NEW-P	88-09-054	180-78-074	NEW	88-07-002	180-79-127	NEW	88-05-047
173-532-110	NEW-P	88-09-054	180-78-075	NEW	88-07-002	180-79-129	NEW-E	88-05-045
173-545-090	AMD-P	88-09-054	180-78-080	NEW	88-07-002	180-79-129	NEW-P	88-05-051
173-545-095	NEW-P	88-09-054	180-78-085	NEW	88-07-002	180-79-129	NEW	88-08-046
173-545-100	AMD-P	88-09-054	180-78-090	NEW	88-07-002	180-79-130	REP	88-05-047
173-548-080	NEW-P	88-09-054	180-78-095	NEW	88-07-002	180-79-131	NEW	88-05-047
173-548-090	NEW-P	88-09-054	180-78-100	NEW	88-07-002	180-79-135	REP	88-05-047
173-548-100	NEW-P	88-09-054	180-78-105	NEW	88-07-002	180-79-136	NEW	88-05-047
173-549-090	AMD-P	88-09-054	180-78-110	NEW	88-07-002	180-79-140	NEW	88-05-047
173-549-095	NEW-P	88-09-054	180-78-115	NEW	88-07-002	180-79-150	REP	88-05-047
173-549-100	AMD-P	88-09-054	180-78-120	NEW	88-07-002	180-79-155	REP	88-05-047
173-555-080	NEW-P	88-09-054	180-78-125	NEW	88-07-002	180-79-160	REP	88-05-047
173-555-090	NEW-P	88-09-054	180-78-130	NEW	88-07-002	180-79-170	REP	88-05-047
173-555-100	NEW-P	88-09-054	180-78-140	NEW	88-07-002	180-79-175	REP	88-05-047
173-559-080	NEW-P	88-09-054	180-78-145	NEW	88-07-002	180-79-180	REP-E	88-12-014
173-559-090	NEW-P	88-09-054	180-78-150	NEW	88-07-002	180-79-185	REP	88-05-047
173-559-100	NEW-P	88-09-054	180-78-155	NEW	88-07-002	180-79-190	REP	88-05-047
173-563-050	AMD-P	88-09-054	180-78-160	NEW	88-07-002	180-79-195	REP	88-05-047
173-563-070	AMD-P	88-09-054	180-78-160	AMD-E	88-12-015	180-79-200	REP	88-05-047
173-563-075	NEW-P	88-09-054	180-78-165	NEW	88-07-002	180-79-205	REP	88-05-047
173-563-080	AMD-P	88-09-054	180-78-170	NEW	88-07-002	180-79-210	REP	88-05-047
173-563-090	AMD-P	88-09-054	180-78-175	NEW	88-07-002	180-79-215	REP	88-05-047
173-590-090	AMD-P	88-09-054	180-78-180	NEW	88-07-002	180-79-230	AMD	88-05-047
173-590-110	AMD-P	88-09-054	180-78-185	NEW	88-07-002	180-79-245	AMD	88-05-047
173-590-140	AMD-P	88-09-054	180-78-190	NEW	88-07-002	180-79-250	REP	88-05-047
173-590-180	AMD-P	88-09-054	180-78-193	AMD	88-07-002	180-80-205	REP	88-05-048
173-590-190	NEW-P	88-09-054	180-78-194	AMD	88-07-002	180-80-210	REP	88-05-048
173-591-060	AMD-P	88-09-054	180-78-199	AMD	88-07-002	180-80-215	REP	88-05-048
173-591-070	AMD-P	88-09-054	180-78-205	NEW	88-07-002	180-80-280	REP	88-05-048
173-591-115	NEW-P	88-09-054	180-78-210	NEW	88-07-002	180-80-285	REP	88-05-048
173-591-120	AMD-P	88-09-054	180-78-215	NEW	88-07-002	180-80-290	REP	88-05-048
173-592-060	AMD-P	88-09-054	180-78-220	NEW	88-07-002	180-80-295	REP	88-05-048
173-592-070	AMD-P	88-09-054	180-78-225	NEW	88-07-002	180-80-300	REP	88-05-048
173-592-110	AMD-P	88-09-054	180-78-230	NEW	88-07-002	180-80-301	REP	88-05-048
173-592-115	NEW-P	88-09-054	180-78-235	NEW	88-07-002	180-80-302	REP	88-05-048
173-596-010	REP-P	88-09-054	180-78-240	NEW	88-07-002	180-80-303	REP	88-05-048
173-596-015	REP-P	88-09-054	180-78-245	NEW	88-07-002	180-80-312	REP	88-05-048
173-596-020	REP-P	88-09-054	180-78-250	NEW	88-07-002	180-80-530	REP	88-05-048
173-596-025	REP-P	88-09-054	180-78-255	NEW	88-07-002	180-80-705	REP	88-05-048
173-596-030	REP-P	88-09-054	180-78-260	NEW	88-07-002	180-84-015	REP	88-05-049
173-596-035	REP-P	88-09-054	180-78-265	NEW	88-07-002	180-84-020	REP	88-05-049
173-596-040	REP-P	88-09-054	180-78-270	NEW	88-07-002	180-84-025	REP	88-05-049
173-596-045	REP-P	88-09-054	180-78-275	NEW	88-07-002	180-84-050	REP	88-05-049
173-596-050	REP-P	88-09-054	180-78-280	NEW	88-07-002	180-84-055	REP	88-05-049
173-596-055	REP-P	88-09-054	180-78-285	NEW	88-07-002	180-84-060	REP	88-05-049
173-596-060	REP-P	88-09-054	180-78-290	NEW	88-07-002	180-84-075	REP	88-05-049
173-596-065	REP-P	88-09-054	180-78-295	NEW	88-07-002	180-84-080	REP	88-05-049
180-16-223	AMD-P	88-05-024	180-78-300	NEW	88-07-002	180-84-090	REP	88-05-049
180-16-223	AMD-P	88-05-050	180-78-305	NEW	88-07-002	180-110-010	NEW	88-06-002
180-16-223	AMD	88-08-045	180-78-310	NEW	88-07-002	180-110-015	NEW	88-06-002
180-57-050	AMD-P	88-08-072	180-78-315	NEW	88-07-002	180-110-017	NEW	88-06-002
180-75-085	AMD-P	88-08-073	180-78-320	NEW	88-07-002	180-110-020	NEW	88-06-002
180-78	AMD-C	88-03-025	180-78-325	NEW	88-07-002	180-110-030	NEW	88-06-002
180-78	AMD	88-07-002	180-79-007	AMD-E	88-05-045	180-110-035	NEW	88-06-002
180-78-007	NEW	88-07-002	180-79-007	AMD-P	88-05-051	180-110-040	NEW	88-06-002
180-78-008	NEW	88-07-002	180-79-007	AMD	88-08-046	180-110-045	NEW	88-06-002
180-78-010	AMD	88-07-002	180-79-010	AMD	88-05-047	180-110-050	NEW	88-06-002
180-78-026	NEW	88-07-002	180-79-013	REP	88-05-047	180-110-052	NEW	88-06-002
180-78-027	REP	88-07-002	180-79-014	REP	88-05-047	180-110-053	NEW	88-06-002
180-78-028	NEW	88-07-002	180-79-045	AMD	88-05-047	180-110-055	NEW	88-06-002
180-78-029	NEW	88-07-002	180-79-049	NEW	88-05-047	180-110-060	NEW	88-06-002
180-78-030	REP	88-07-002	180-79-060	AMD	88-05-047	180-110-065	NEW	88-06-002
180-78-033	NEW	88-07-002	180-79-062	NEW	88-05-047	180-115-005	NEW-E	88-05-046
180-78-035	REP	88-07-002	180-79-063	NEW	88-05-047	180-115-005	NEW-P	88-05-052
180-78-036	NEW	88-07-002	180-79-065	AMD	88-05-047	180-115-005	NEW	88-08-044
180-78-037	NEW	88-07-002	180-79-080	AMD	88-05-047	180-115-010	NEW-E	88-05-046
180-78-040	REP	88-07-002	180-79-086	AMD	88-05-047	180-115-010	NEW-P	88-05-052
180-78-047	NEW	88-07-002	180-79-100	REP	88-05-047	180-115-010	NEW	88-08-044
180-78-050	REP	88-07-002	180-79-115	AMD	88-05-047	180-115-015	NEW-E	88-05-046
180-78-055	REP	88-07-002	180-79-115	AMD-E	88-12-013	180-115-015	NEW-P	88-05-052

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180-115-020	NEW-E	88-05-046	192-42-010	NEW	88-12-051	212-17-001	AMD	88-08-027
180-115-020	NEW-P	88-05-052	192-42-020	NEW-P	88-07-110	212-17-010	AMD-P	88-03-014
180-115-020	NEW	88-08-044	192-42-020	NEW	88-12-051	212-17-010	AMD	88-08-027
180-115-025	NEW-E	88-05-046	192-42-030	NEW-P	88-07-110	212-17-060	AMD-P	88-03-014
180-115-025	NEW-P	88-05-052	192-42-030	NEW	88-12-051	212-17-060	AMD	88-08-027
180-115-025	NEW	88-08-044	192-42-040	NEW-P	88-07-110	212-17-065	AMD-P	88-03-014
180-115-030	NEW-E	88-05-046	192-42-040	NEW	88-12-051	212-17-065	AMD	88-08-027
180-115-030	NEW-P	88-05-052	192-42-050	NEW-P	88-07-110	212-17-070	AMD-P	88-03-014
180-115-030	NEW	88-08-044	192-42-050	NEW	88-12-051	212-17-070	AMD	88-08-027
180-115-035	NEW-E	88-05-046	192-42-060	NEW-P	88-07-110	212-17-085	AMD-P	88-03-014
180-115-035	NEW-P	88-05-052	192-42-060	NEW	88-12-051	212-17-085	AMD	88-08-027
180-115-035	NEW	88-08-044	192-42-070	NEW-P	88-07-110	212-17-115	AMD-P	88-03-014
180-115-040	NEW-E	88-05-046	192-42-070	NEW	88-12-051	212-17-115	AMD	88-08-027
180-115-040	NEW-P	88-05-052	192-42-080	NEW-P	88-07-110	212-17-120	AMD-P	88-03-014
180-115-040	NEW	88-08-044	192-42-080	NEW	88-12-051	212-17-120	AMD	88-08-027
180-115-045	NEW-E	88-05-046	192-44-010	NEW-P	88-11-091	212-17-125	AMD-P	88-03-014
180-115-045	NEW-P	88-05-052	192-44-020	NEW-P	88-11-091	212-17-125	AMD	88-08-027
180-115-045	NEW	88-08-044	192-44-030	NEW-P	88-11-091	212-17-135	AMD-P	88-03-014
180-115-050	NEW-E	88-05-046	192-44-040	NEW-P	88-11-091	212-17-135	AMD	88-08-027
180-115-050	NEW-P	88-05-052	192-44-050	NEW-P	88-11-091	212-17-140	AMD-P	88-03-014
180-115-050	NEW	88-08-044	192-44-060	NEW-P	88-11-091	212-17-140	AMD	88-08-027
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180-115-055	NEW-P	88-05-052	192-44-080	NEW-P	88-11-091	212-17-170	AMD	88-08-027
180-115-055	NEW	88-08-044	192-44-090	NEW-P	88-11-091	212-17-185	AMD-P	88-03-014
180-115-060	NEW-E	88-05-046	192-44-100	NEW-P	88-11-091	212-17-185	AMD	88-08-027
180-115-060	NEW-P	88-05-052	192-44-110	NEW-P	88-11-091	212-17-195	AMD-P	88-03-014
180-115-060	NEW	88-08-044	192-44-120	NEW-P	88-11-091	212-17-195	AMD	88-08-027
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180-115-065	NEW-P	88-05-052	192-44-140	NEW-P	88-11-091	212-17-203	AMD	88-08-027
180-115-065	NEW	88-08-044	192-44-150	NEW-P	88-11-091	212-17-225	AMD-P	88-03-014
180-115-070	NEW-E	88-05-046	192-44-160	NEW-P	88-11-091	212-17-225	AMD	88-08-027
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180-115-075	NEW-P	88-05-052	196-04-025	NEW-E	88-05-064	212-17-235	AMD	88-08-027
180-115-075	NEW	88-08-044	196-04-025	NEW-P	88-07-094	212-17-245	AMD-P	88-03-014
180-115-080	NEW-E	88-05-046	196-04-025	NEW	88-12-044	212-17-245	AMD	88-08-027
180-115-080	NEW-P	88-05-052	196-04-030	AMD-E	88-05-064	212-17-250	AMD-P	88-03-014
180-115-080	NEW	88-08-044	196-04-030	AMD-P	88-07-094	212-17-250	AMD	88-08-027
180-115-085	NEW-E	88-05-046	196-04-030	AMD	88-12-044	212-17-260	AMD-P	88-03-014
180-115-085	NEW-P	88-05-052	196-12-010	AMD-E	88-05-064	212-17-260	AMD	88-08-027
180-115-085	NEW	88-08-044	196-12-010	AMD-P	88-07-094	212-17-265	AMD-P	88-03-014
180-115-090	NEW-E	88-05-046	196-12-010	AMD	88-12-044	212-17-265	AMD	88-08-027
180-115-090	NEW-P	88-05-052	196-12-085	AMD-E	88-05-064	212-17-270	AMD-P	88-03-014
180-115-090	NEW	88-08-044	196-12-085	AMD-P	88-07-094	212-17-270	AMD	88-08-027
180-115-095	NEW-E	88-05-046	196-12-085	AMD	88-12-044	212-17-335	AMD-P	88-03-014
180-115-095	NEW-P	88-05-052	196-16-007	AMD-E	88-05-064	212-17-335	AMD	88-08-027
180-115-095	NEW	88-08-044	196-16-007	AMD-P	88-07-094	212-17-345	AMD-P	88-03-014
180-115-100	NEW-E	88-05-046	196-16-007	AMD	88-12-044	212-17-345	AMD	88-08-027
180-115-100	NEW-P	88-05-052	196-20-010	AMD-E	88-05-064	212-17-352	NEW-P	88-03-014
180-115-100	NEW	88-08-044	196-20-010	AMD-P	88-07-094	212-17-352	NEW	88-08-027
180-115-105	NEW-E	88-05-046	196-20-010	AMD	88-12-044	212-17-362	NEW-P	88-03-014
180-115-105	NEW-P	88-05-052	204-08-020	AMD	88-03-031	212-17-362	NEW	88-08-027
180-115-105	NEW	88-08-044	204-08-030	AMD	88-03-031	220-12-020	AMD-P	88-07-111
182-12-115	AMD-P	88-09-058	204-08-040	AMD	88-03-031	220-12-020	AMD-C	88-10-041
182-12-115	AMD	88-12-034	204-08-050	AMD	88-03-031	220-12-020	AMD	88-12-025
182-12-120	REP-P	88-09-058	204-36-010	AMD-P	88-11-012	220-16-085	AMD-P	88-03-076
182-12-120	REP	88-12-034	204-36-020	AMD-P	88-11-012	220-16-085	AMD	88-10-012
182-12-165	AMD-P	88-09-058	204-36-030	AMD-P	88-11-012	220-16-085	NEW-E	88-08-002
182-12-165	AMD	88-12-034	204-36-040	AMD-P	88-11-012	220-20-010	AMD-P	88-03-075
192-16-057	NEW-P	88-07-108	204-36-050	AMD-P	88-11-012	220-20-010	AMD	88-10-013
192-16-057	NEW	88-10-020	204-36-060	AMD-P	88-11-012	220-20-01000J	NEW-E	88-08-002
192-16-061	NEW	88-05-034	204-36-070	AMD-P	88-11-012	220-22-030	AMD-P	88-10-060
192-16-065	NEW-E	88-07-107	204-38-010	AMD-P	88-11-013	220-24-02000B	NEW-E	88-09-023
192-16-065	NEW-P	88-07-108	204-38-050	AMD-P	88-11-013	220-32-03000N	NEW-E	88-05-035
192-16-065	NEW	88-10-020	204-40-010	AMD-P	88-11-014	220-32-03000N	REP-E	88-07-014
192-28-105	AMD-P	88-07-109	204-40-030	AMD-P	88-11-014	220-32-03000P	NEW-E	88-07-014
192-28-105	AMD	88-10-021	204-50-040	AMD-P	88-11-015	220-32-04100K	NEW-E	88-11-041
192-28-110	AMD-P	88-07-109	204-50-050	AMD-P	88-11-015	220-32-05100A	NEW-E	88-07-015
192-28-110	AMD	88-10-021	204-74-010	AMD-P	88-11-016	220-32-05100Z	NEW-E	88-05-014
192-28-120	AMD-P	88-07-109	204-74-040	AMD-P	88-11-016	220-32-05100Z	REP-E	88-07-015
192-28-120	AMD	88-10-021	204-80-010	AMD-P	88-11-017	220-32-05900N	NEW-E	88-09-052
192-28-130	NEW-P	88-07-109	204-80-060	NEW-P	88-11-017	220-44-050	AMD-P	88-09-051
192-28-130	NEW	88-10-021	204-88-010	AMD-P	88-11-018	220-44-05000M	NEW-E	88-09-004
192-42-005	NEW-P	88-07-110	204-88-030	AMD-P	88-11-018	220-47-266	AMD-P	88-10-060
192-42-005	NEW	88-12-051	204-88-070	AMD-P	88-11-018	220-47-269	NEW-P	88-10-060

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250-60-070	AMD-P	88-06-091	260-34-010	NEW	88-09-033	275-38-585	AMD	88-12-087
250-60-070	AMD	88-10-003	260-34-020	NEW-P	88-06-052	275-38-586	NEW-P	88-07-122
250-60-080	AMD-P	88-06-091	260-34-020	NEW	88-09-033	275-38-586	NEW	88-12-087
250-60-080	AMD	88-10-003	260-34-030	NEW-P	88-06-052	275-38-600	AMD-P	88-07-122
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250-60-090	AMD	88-10-003	260-34-040	NEW-P	88-06-052	275-38-605	AMD-P	88-07-122
250-60-100	AMD-P	88-06-091	260-34-040	NEW	88-09-033	275-38-605	AMD	88-12-087
250-60-100	AMD	88-10-003	260-34-050	NEW-P	88-06-052	275-38-610	AMD-P	88-07-122
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250-60-110	AMD	88-10-003	260-34-060	NEW-P	88-06-052	275-38-615	AMD-P	88-07-122
250-60-120	AMD-P	88-06-091	260-34-060	NEW	88-09-033	275-38-615	AMD	88-12-087
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250-65-060	NEW	88-03-008	260-34-100	NEW-P	88-06-052	275-38-660	AMD-P	88-07-122
250-66-010	NEW-P	88-11-074	260-34-100	NEW	88-09-033	275-38-660	AMD	88-12-087
250-66-020	NEW-P	88-11-074	260-34-110	NEW-P	88-06-052	275-38-667	AMD-P	88-07-122
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275-38-889	NEW	88-12-087	296-15-065	AMD	88-12-096	296-17-73103	NEW-P	88-06-076
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275-38-903	NEW	88-12-087	296-15-215	AMD	88-12-096	296-17-758	AMD-P	88-06-072
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296-24-21707	AMD-P	88-06-073	296-62-07338	NEW	88-11-021	296-116-370	NEW-C	88-10-035
296-24-21707	AMD	88-11-021	296-62-07339	NEW-P	88-06-073	296-116-400	NEW-C	88-05-020
296-24-58513	AMD-P	88-09-074	296-62-07339	NEW	88-11-021	296-116-400	NEW	88-09-016
296-24-590	REP-P	88-06-073	296-62-07340	NEW-P	88-06-073	296-116-410	NEW-C	88-05-021
296-24-590	REP	88-11-021	296-62-07340	NEW	88-11-021	296-116-410	NEW	88-09-017
296-24-605	REP-P	88-06-073	296-62-07341	REP-P	88-06-073	296-116-420	NEW-P	88-06-070
296-24-605	REP	88-11-021	296-62-07341	REP	88-11-021	296-116-420	NEW	88-10-040
296-24-63399	AMD-P	88-09-074	296-62-07342	NEW-P	88-06-073	296-155-160	AMD-P	88-09-074
296-24-68203	AMD-P	88-06-073	296-62-07342	NEW	88-11-021	296-155-425	REP-P	88-06-073
296-24-68203	AMD	88-11-021	296-62-07343	NEW-P	88-06-073	296-155-425	REP	88-11-021
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296-27-15501	AMD-P	88-09-074	296-62-07344	NEW	88-11-021	296-155-428	NEW-P	88-06-073
296-45-65025	REP-P	88-06-073	296-62-07345	REP-P	88-06-073	296-155-428	NEW	88-11-021
296-45-65025	REP	88-11-021	296-62-07345	REP	88-11-021	296-155-429	NEW-P	88-06-073
296-45-65026	NEW-P	88-06-073	296-62-07346	NEW-P	88-06-073	296-155-429	NEW	88-11-021
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296-45-65037	AMD-P	88-06-073	296-62-07383	AMD-P	88-09-074	296-155-430	REP	88-11-021
296-45-65037	AMD	88-11-021	296-62-07385	AMD-P	88-09-074	296-155-432	NEW-P	88-06-073
296-46-316	AMD-P	88-11-086	296-62-07387	AMD-P	88-09-074	296-155-432	NEW	88-11-021
296-46-316	AMD-E	88-11-087	296-62-07389	AMD-P	88-09-074	296-155-434	NEW-P	88-06-073
296-46-420	AMD-P	88-11-086	296-62-07515	AMD-P	88-09-074	296-155-434	NEW	88-11-021
296-46-420	AMD-E	88-11-087	296-62-07521	AMD-P	88-09-074	296-155-435	REP-P	88-06-073
296-56-60001	AMD-P	88-09-074	296-62-07523	NEW-P	88-09-074	296-155-435	REP	88-11-021
296-56-60081	AMD-P	88-09-074	296-62-07525	NEW-P	88-09-074	296-155-437	NEW-P	88-06-073
296-56-60249	AMD-P	88-09-074	296-62-07527	NEW-P	88-09-074	296-155-437	NEW	88-11-021
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296-59-030	NEW-P	88-09-074	296-62-14541	AMD-P	88-09-074	296-155-449	NEW	88-11-021
296-59-035	NEW-P	88-09-074	296-62-300	NEW-P	88-09-074	296-155-450	REP-P	88-06-073
296-59-040	NEW-P	88-09-074	296-62-3010	NEW-P	88-09-074	296-155-450	REP	88-11-021
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296-59-065	NEW-P	88-09-074	296-62-3050	NEW-P	88-09-074	296-155-455	REP	88-11-021
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296-155-459	NEW	88-11-021	308-40-101	AMD-P	88-09-067	308-61-050	REP-E	88-04-026
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296-305-007	AMD-P	88-09-074	308-42-015	NEW-P	88-03-033	308-61-135	AMD-E	88-04-026
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296-305-06005	AMD-P	88-09-074	308-48-030	AMD-E	88-08-016	308-61-158	AMD	88-06-025
296-305-06011	AMD-P	88-09-074	308-48-031	NEW	88-08-015	308-61-175	AMD-E	88-04-026
296-305-063	AMD-P	88-09-074	308-48-031	NEW-E	88-08-016	308-61-175	AMD	88-06-025
296-305-06301	REP-P	88-09-074	308-48-085	AMD	88-08-015	308-61-210	AMD-E	88-04-026
296-305-06303	REP-P	88-09-074	308-48-085	AMD-E	88-08-016	308-61-210	AMD	88-06-025
296-305-06305	REP-P	88-09-074	308-48-140	AMD-P	88-08-037	308-61-240	AMD-E	88-04-026
296-305-06307	REP-P	88-09-074	308-48-790	AMD-P	88-08-037	308-61-240	AMD	88-06-025
296-305-06309	REP-P	88-09-074	308-49-140	AMD-P	88-08-037	308-61-260	AMD-E	88-04-026
296-305-06311	REP-P	88-09-074	308-49-170	AMD-P	88-08-037	308-61-260	AMD	88-06-025
296-305-06313	REP-P	88-09-074	308-51	AMD-P	88-06-034	308-61-330	AMD-E	88-04-026
296-305-064	NEW-P	88-09-074	308-51	AMD	88-11-011	308-61-330	AMD	88-06-025
296-305-06505	AMD-P	88-09-074	308-51-010	AMD-P	88-06-034	308-61-430	AMD-E	88-04-026
296-305-06507	AMD-P	88-09-074	308-51-010	AMD	88-11-011	308-61-430	AMD	88-06-025
296-305-06509	AMD-P	88-09-074	308-51-020	REP-P	88-06-034	308-72-502	NEW-P	88-04-029
296-305-07001	AMD-P	88-09-074	308-51-020	REP	88-11-011	308-72-502	NEW	88-07-095
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296-305-100	AMD-P	88-09-074	308-51-040	REP	88-11-011	308-72-504	NEW	88-07-095
296-305-9901	REP-P	88-09-074	308-51-050	AMD-P	88-06-034	308-72-506	NEW-P	88-04-029
296-305-9902	REP-P	88-09-074	308-51-050	AMD	88-11-011	308-72-506	NEW	88-07-095
296-305-9903	REP-P	88-09-074	308-51-060	REP-P	88-06-034	308-72-508	NEW-P	88-04-029
296-305-9904	REP-P	88-09-074	308-51-060	REP	88-11-011	308-72-508	NEW	88-07-095
296-305-9905	REP-P	88-09-074	308-51-070	AMD-P	88-06-034	308-72-512	NEW-P	88-04-029
296-305-9906	REP-P	88-09-074	308-51-070	REP-P	88-11-055	308-72-512	NEW	88-07-095
296-306-010	AMD-P	88-09-074	308-51-080	REP-P	88-06-034	308-72-540	AMD-P	88-04-029
296-306-085	AMD-P	88-09-074	308-51-080	REP	88-11-011	308-72-540	AMD	88-07-095
296-306-090	AMD-P	88-09-074	308-51-100	AMD-P	88-06-034	308-90-010	REP-E	88-03-001
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296-401-030	AMD-P	88-11-085	308-51-110	AMD-P	88-06-034	308-90-020	REP-E	88-03-001
296-401-080	AMD-P	88-11-085	308-51-110	AMD	88-11-011	308-90-020	REP	88-03-038
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296-401-090	AMD-P	88-11-085	308-51-140	AMD-P	88-06-034	308-90-040	AMD-E	88-03-001
296-401-100	AMD-P	88-11-085	308-51-140	AMD	88-11-011	308-90-040	AMD	88-03-038
296-401-120	AMD-P	88-11-085	308-51-150	REP-P	88-06-034	308-90-050	REP-E	88-03-001
296-401-170	AMD-P	88-11-085	308-51-150	REP	88-11-011	308-90-050	REP	88-03-038
296-401-180	AMD-P	88-11-085	308-51-220	NEW-P	88-06-034	308-90-060	AMD-E	88-03-001
296-402-030	AMD-P	88-11-085	308-51-220	NEW	88-11-011	308-90-060	AMD	88-03-038
296-402-140	AMD-P	88-11-085	308-51A-010	NEW-P	88-08-088	308-90-070	AMD-E	88-03-001
296-402-150	AMD-P	88-11-085	308-51A-020	NEW-P	88-08-088	308-90-070	AMD	88-03-038
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304-12-290	AMD-P	88-03-018	308-52-139	AMD	88-06-008	308-90-110	AMD	88-03-038
304-12-290	AMD-E	88-07-086	308-52-140	AMD	88-06-008	308-90-120	NEW-E	88-03-001
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308-12-050	AMD-P	88-05-037	308-52-148	NEW	88-06-008	308-90-130	NEW-E	88-03-001
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308-13-025	AMD-P	88-12-041	308-53-030	AMD-P	88-03-071	308-90-150	NEW-E	88-03-001
308-13-032	AMD-P	88-06-059	308-53-030	AMD	88-07-047	308-90-150	NEW	88-03-038
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308-34-120	NEW-P	88-11-090	308-54-170	AMD-P	88-10-056	308-91-030	AMD-E	88-03-030
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308-91-100	REP-P 88-03-067	308-122-200	AMD 88-09-029	308-140-270	REP-P 88-11-027
308-91-100	REP 88-06-061	308-122-215	AMD-P 88-06-007	308-140-300	REP-P 88-11-027
308-91-110	REP-E 88-03-030	308-122-215	AMD 88-09-029	308-150-013	AMD-P 88-05-041
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308-91-140	NEW 88-06-061	308-124B-010	REP 88-06-039	308-156-060	AMD 88-08-033
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308-117-030	AMD-P 88-04-077	308-128B-010	AMD-P 88-08-087	308-180-280	NEW-P 88-02-061
308-117-030	AMD 88-08-034	308-128B-020	AMD-P 88-08-087	308-180-280	NEW 88-07-031
308-117-080	AMD 88-05-011	308-128B-030	AMD-P 88-08-087	308-190-030	NEW-P 88-05-059
308-120-100	AMD-P 88-12-042	308-128B-040	REP-P 88-08-087	308-190-030	NEW 88-11-024
308-120-163	AMD-P 88-12-042	308-128B-050	AMD-P 88-08-087	308-190-040	NEW-P 88-05-059
308-120-164	AMD-P 88-12-042	308-128B-060	AMD-P 88-08-087	308-190-040	NEW 88-11-024
308-120-170	AMD-P 88-12-042	308-128B-090	NEW-P 88-08-087	308-190-050	NEW-P 88-05-059
308-120-180	AMD-P 88-12-042	308-128C-010	REP-P 88-08-087	308-190-050	NEW 88-11-024
308-120-185	AMD-P 88-12-042	308-128C-040	AMD-P 88-08-087	308-195-020	NEW-P 88-03-034
308-120-186	AMD 88-05-010	308-128C-050	AMD-P 88-08-087	308-195-020	NEW 88-10-015
308-120-335	AMD 88-07-049	308-128D-010	AMD-P 88-08-087	308-195-030	NEW-P 88-03-034
308-120-338	NEW-P 88-12-042	308-128D-020	AMD-P 88-08-087	308-195-030	NEW 88-10-015
308-120-360	AMD-P 88-12-042	308-128D-030	AMD-P 88-08-087	308-195-040	NEW-P 88-03-034
308-120-505	AMD-P 88-12-042	308-128D-040	AMD-P 88-08-087	308-195-040	NEW 88-10-015
308-120-506	AMD-P 88-12-042	308-128D-060	AMD-P 88-08-087	308-195-050	NEW-P 88-03-034
308-120-507	REP-P 88-12-042	308-128D-070	AMD-P 88-08-087	308-195-050	NEW 88-10-015
308-120-508	REP-P 88-12-042	308-128D-080	NEW-P 88-08-087	308-195-060	NEW-P 88-03-034
308-120-509	REP-P 88-12-042	308-128E-010	REP-P 88-08-087	308-195-060	NEW 88-10-015
308-120-510	REP-P 88-12-042	308-128E-011	NEW-P 88-08-087	308-195-070	NEW-P 88-03-034
308-120-511	REP-P 88-12-042	308-128F-010	AMD-P 88-08-087	308-195-070	NEW 88-10-015
308-120-512	REP-P 88-12-042	308-128F-020	AMD-P 88-08-087	308-195-080	NEW-P 88-03-034
308-120-513	REP-P 88-12-042	308-128F-030	REP-P 88-08-087	308-195-080	NEW 88-10-015
308-120-514	REP-P 88-12-042	308-128F-040	AMD-P 88-08-087	308-195-090	NEW-P 88-03-034
308-120-515	REP-P 88-12-042	308-128F-050	AMD-P 88-08-087	308-195-090	NEW 88-10-015
308-120-516	REP-P 88-12-042	308-128F-070	AMD-P 88-08-087	308-195-100	NEW-P 88-03-034
308-120-517	REP-P 88-12-042	308-138-055	AMD-P 88-03-035	308-195-100	NEW 88-10-015
308-120-518	REP-P 88-12-042	308-138-055	AMD 88-09-030	308-195-110	NEW-P 88-03-034
308-120-519	REP-P 88-12-042	308-138-055	AMD-P 88-11-088	308-210-010	NEW-P 88-05-060

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308-210-020	NEW-P	88-05-060	314-36-100	AMD-P	88-04-087	326-20-096	NEW	88-09-047
308-210-020	NEW	88-11-025	314-36-100	AMD	88-07-025	326-20-097	NEW-E	88-06-043
308-210-030	NEW-P	88-05-060	314-36-110	AMD-P	88-04-087	326-20-097	NEW-P	88-06-074
308-210-030	NEW	88-11-025	314-36-110	AMD	88-07-025	326-20-097	NEW-C	88-09-010
308-210-040	NEW-P	88-05-060	314-36-120	REP-P	88-04-087	326-20-097	NEW	88-09-047
308-210-040	NEW	88-11-025	314-36-120	REP	88-07-025	326-20-098	NEW-E	88-06-043
308-210-050	NEW-P	88-05-060	314-36-130	AMD-P	88-04-087	326-20-098	NEW-P	88-06-074
308-210-050	NEW	88-11-025	314-36-130	AMD	88-07-025	326-20-098	NEW-C	88-09-010
308-210-060	NEW-P	88-05-060	314-40-040	AMD-P	88-04-083	326-20-098	NEW	88-09-047
308-210-060	NEW	88-11-025	314-40-040	AMD	88-07-060	326-20-171	AMD-P	88-06-074
308-220-010	NEW-P	88-05-062	314-40-080	AMD-P	88-06-055	326-20-171	AMD-C	88-09-010
308-220-010	NEW	88-11-079	314-40-080	AMD	88-08-056	326-20-171	AMD	88-09-047
308-220-020	NEW-P	88-05-062	314-52-114	AMD-P	88-04-060	326-20-172	AMD-P	88-06-074
308-220-020	NEW	88-11-079	314-52-114	AMD-E	88-04-061	326-20-172	AMD-C	88-09-010
308-220-030	NEW-P	88-05-062	314-52-114	AMD	88-07-026	326-20-172	AMD	88-09-047
308-220-030	NEW	88-11-079	314-64-030	AMD-P	88-11-084	326-20-180	AMD-P	88-06-074
308-220-040	NEW-P	88-05-062	314-64-050	AMD-P	88-11-084	326-20-180	AMD-C	88-09-010
308-220-040	NEW	88-11-079	315-11-310	NEW-P	88-02-062	326-20-180	AMD	88-09-047
308-220-050	NEW-P	88-05-062	315-11-310	NEW	88-06-031	326-20-185	AMD-P	88-06-074
308-220-050	NEW	88-11-079	315-11-311	NEW-P	88-02-062	326-20-185	AMD-C	88-09-010
308-220-060	NEW	88-11-079	315-11-311	NEW	88-06-031	326-20-185	AMD	88-09-047
308-220-070	NEW-P	88-05-062	315-11-312	NEW-P	88-02-062	326-30-060	AMD-E	88-09-059
308-220-070	NEW	88-11-079	315-11-312	NEW	88-06-031	332-26-010	NEW-E	88-09-007
308-220-080	NEW-P	88-05-062	315-11-320	NEW-P	88-06-049	332-30-166	AMD-P	88-08-074
308-230-010	NEW-P	88-05-063	315-11-320	NEW	88-09-014	344-12-043	NEW-P	88-07-115
308-230-010	NEW	88-11-078	315-11-321	NEW-P	88-06-049	344-12-050	AMD-P	88-07-115
308-230-020	NEW-P	88-05-063	315-11-321	NEW	88-09-014	344-12-064	NEW-P	88-07-115
308-230-020	NEW	88-11-078	315-11-322	NEW-P	88-06-049	344-12-145	AMD-P	88-07-115
308-230-030	NEW-P	88-05-063	315-11-322	NEW	88-09-014	352-12-010	AMD-P	88-04-075
308-230-030	NEW	88-11-078	315-11-330	NEW-P	88-09-069	352-12-010	AMD	88-07-074
308-230-040	NEW-P	88-05-063	315-11-331	NEW-P	88-09-069	352-12-020	AMD-P	88-04-075
308-230-040	NEW	88-11-078	315-11-332	NEW-P	88-09-069	352-12-020	AMD	88-07-074
308-230-050	NEW-P	88-05-063	315-20-090	AMD-P	88-02-062	352-32-035	AMD-P	88-04-075
308-230-050	NEW	88-11-078	315-20-090	AMD	88-06-031	352-32-035	AMD	88-07-074
308-410-010	NEW	88-03-037	315-30-080	AMD-P	88-02-062	352-32-045	AMD-P	88-04-075
308-410-020	NEW	88-03-037	315-32-050	AMD-P	88-02-066	352-32-045	AMD	88-07-074
308-410-030	NEW	88-03-037	315-32-050	AMD	88-05-030	352-32-15001	NEW-P	88-06-095
308-410-040	NEW	88-03-037	316-02-350	AMD-P	88-06-057	352-32-15001	NEW	88-10-017
308-410-050	NEW	88-03-037	316-02-350	AMD	88-10-019	352-32-250	AMD-P	88-04-075
308-410-060	NEW	88-03-037	316-02-820	AMD-P	88-06-057	352-32-250	AMD	88-07-074
308-410-070	NEW	88-03-037	316-02-820	AMD	88-10-019	352-32-285	AMD-P	88-12-066
314-08-080	AMD-P	88-06-056	316-45-110	AMD-P	88-06-057	352-36-040	AMD-P	88-06-095
314-08-080	AMD	88-08-057	316-45-110	AMD	88-10-019	352-36-040	AMD	88-10-017
314-12-037	NEW-P	88-05-012	316-45-550	AMD-P	88-06-057	352-74-030	AMD-P	88-04-075
314-12-038	NEW-P	88-06-054	316-45-550	AMD	88-10-019	352-74-030	AMD	88-07-074
314-12-100	AMD	88-04-028	320-16-020	NEW	88-04-080	352-74-040	AMD-P	88-04-075
314-12-145	AMD-E	88-07-076	320-18-030	NEW-P	88-09-068	352-74-040	AMD	88-07-074
314-12-145	AMD-P	88-07-091	326-02-030	AMD	88-08-031	352-74-060	AMD-P	88-04-075
314-12-145	AMD-C	88-09-061	326-02-030	AMD-P	88-09-060	352-74-060	AMD	88-07-074
314-12-145	AMD	88-10-049	326-02-030	AMD	88-12-060	352-74-070	AMD-P	88-04-075
314-16-190	AMD-P	88-04-082	326-20-080	AMD-P	88-09-060	352-74-070	AMD	88-07-074
314-16-190	AMD	88-07-058	326-20-080	AMD	88-12-060	356-05-005	REP-P	88-04-066
314-20-020	AMD-P	88-12-075	326-20-090	REP-E	88-06-029	356-05-123	NEW-C	88-06-014
314-22-010	NEW-P	88-05-007	326-20-090	REP	88-06-030	356-05-123	NEW-C	88-07-040
314-22-010	NEW	88-07-090	326-20-091	NEW-E	88-06-043	356-05-128	NEW	88-03-042
314-24-040	AMD-P	88-12-074	326-20-091	NEW-P	88-06-074	356-05-145	REP-P	88-04-066
314-24-060	AMD-P	88-08-025	326-20-091	NEW-C	88-09-010	356-05-311	NEW-P	88-04-032
314-24-060	AMD	88-11-009	326-20-091	NEW	88-09-047	356-05-311	NEW-C	88-07-041
314-26-010	AMD-P	88-11-001	326-20-092	NEW-E	88-06-043	356-05-320	AMD-P	88-04-068
314-36-010	AMD-P	88-04-087	326-20-092	NEW-P	88-06-074	356-05-330	REP-P	88-04-066
314-36-010	AMD	88-07-025	326-20-092	NEW-C	88-09-010	356-05-360	AMD	88-03-041
314-36-020	AMD-P	88-04-087	326-20-092	NEW	88-09-047	356-05-415	AMD-P	88-04-068
314-36-020	AMD	88-07-025	326-20-093	NEW-E	88-06-043	356-05-450	REP-C	88-07-044
314-36-030	AMD-P	88-04-087	326-20-093	NEW-P	88-06-074	356-05-450	REP-P	88-10-030
314-36-030	AMD	88-07-025	326-20-093	NEW-C	88-09-010	356-05-451	NEW-C	88-07-044
314-36-040	AMD-P	88-04-087	326-20-093	NEW	88-09-047	356-05-451	NEW-P	88-10-030
314-36-040	AMD	88-07-025	326-20-094	NEW-E	88-06-043	356-05-452	NEW-C	88-07-044
314-36-050	AMD-P	88-04-087	326-20-094	NEW-P	88-06-074	356-05-452	NEW-P	88-10-030
314-36-050	AMD	88-07-025	326-20-094	NEW-C	88-09-010	356-05-455	REP-C	88-07-044
314-36-060	AMD-P	88-04-087	326-20-094	NEW	88-09-047	356-05-455	REP-P	88-10-030
314-36-060	AMD	88-07-025	326-20-095	NEW-E	88-06-043	356-05-456	NEW-C	88-07-044
314-36-070	AMD-P	88-04-087	326-20-095	NEW-P	88-06-074	356-05-456	NEW-P	88-10-030
314-36-070	AMD	88-07-025	326-20-095	NEW-C	88-09-010	356-05-460	REP-C	88-07-044
314-36-080	AMD-P	88-04-087	326-20-095	NEW	88-09-047	356-05-460	REP-P	88-10-030
314-36-080	AMD	88-07-025	326-20-096	NEW-E	88-06-043	356-05-461	NEW-C	88-07-044
314-36-090	AMD-P	88-04-087	326-20-096	NEW-P	88-06-074	356-05-461	NEW-P	88-10-030

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356-05-465	AMD-C 88-11-038	356-42-060	AMD-P 88-10-030	360-46-020	AMD-P 88-11-082
356-10-030	AMD-P 88-10-031	356-42-070	AMD-C 88-07-044	360-46-030	AMD-P 88-11-082
356-10-050	AMD-P 88-10-031	356-42-070	AMD-P 88-10-030	360-46-040	AMD-P 88-11-082
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356-14-240	AMD-C 88-11-039	356-42-082	AMD-P 88-10-029	360-46-060	AMD-P 88-11-082
356-15-020	AMD 88-05-028	356-42-084	AMD-C 88-07-043	360-46-070	AMD-P 88-11-082
356-15-085	AMD-P 88-04-035	356-42-084	AMD-P 88-10-029	360-46-090	AMD-P 88-11-082
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356-15-090	AMD-C 88-11-039	356-46-125	NEW 88-03-042	360-46-130	AMD-P 88-11-082
356-15-100	AMD-P 88-04-033	356-47-030	AMD-P 88-04-068	360-52-050	AMD-P 88-11-080
356-15-110	AMD-P 88-04-033	356-47-045	AMD-P 88-04-068	360-52-060	AMD-P 88-11-080
356-15-115	NEW-P 88-04-033	360-08-005	NEW-P 88-03-036	360-52-090	AMD-P 88-11-080
356-18-030	AMD-P 88-06-022	360-08-005	NEW 88-06-026	360-60-010	NEW-P 88-03-036
356-18-030	AMD-C 88-09-035	360-08-030	REP-P 88-03-036	360-60-010	NEW 88-06-026
356-18-030	AMD-E 88-11-035	360-08-030	REP 88-06-026	360-60-020	NEW-P 88-03-036
356-18-030	AMD 88-11-036	360-08-070	REP-P 88-03-036	360-60-020	NEW 88-06-026
356-18-114	NEW-P 88-04-032	360-08-070	REP 88-06-026	360-60-030	NEW-P 88-03-036
356-18-114	NEW-C 88-07-041	360-08-080	REP-P 88-03-036	360-60-030	NEW 88-06-026
356-18-120	AMD-P 88-04-034	360-08-080	REP 88-06-026	360-60-040	NEW-P 88-03-036
356-18-120	AMD 88-07-046	360-08-090	REP-P 88-03-036	360-60-040	NEW 88-06-026
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356-18-130	REP-P 88-04-065	360-08-100	REP-P 88-03-036	365-180-020	NEW 88-02-042
356-18-130	REP 88-07-045	360-08-100	REP 88-06-026	365-180-030	NEW 88-02-042
356-18-190	AMD-P 88-04-068	360-08-110	REP-P 88-03-036	365-180-040	NEW 88-02-042
356-26-050	AMD-P 88-04-068	360-08-110	REP 88-06-026	365-180-050	NEW 88-02-042
356-26-060	AMD-P 88-04-031	360-08-120	REP-P 88-03-036	365-180-060	NEW 88-02-042
356-26-080	AMD-P 88-04-068	360-08-120	REP 88-06-026	365-180-070	NEW 88-02-042
356-30-015	AMD-P 88-04-068	360-08-130	REP-P 88-03-036	365-180-080	NEW 88-02-042
356-30-020	REP-P 88-04-066	360-08-130	REP 88-06-026	365-180-090	NEW 88-02-042
356-30-030	REP-P 88-04-066	360-08-140	REP-P 88-03-036	372-32-100	AMD-P 88-10-061
356-30-040	REP-P 88-04-066	360-08-140	REP 88-06-026	372-36-010	AMD-P 88-10-061
356-30-050	REP-P 88-04-066	360-08-410	REP-P 88-03-036	372-36-020	AMD-P 88-10-061
356-30-065	AMD-P 88-04-068	360-08-410	REP 88-06-026	372-36-030	AMD-P 88-10-061
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356-30-070	REP-P 88-04-066	360-08-430	REP 88-06-026	372-52-010	AMD-P 88-10-061
356-30-080	REP-P 88-04-066	360-08-440	REP-P 88-03-036	372-52-020	AMD-P 88-10-061
356-30-140	AMD-P 88-04-068	360-08-440	REP 88-06-026	372-52-030	AMD-P 88-10-061
356-30-145	AMD-P 88-04-068	360-08-450	REP-P 88-03-036	372-52-040	AMD-P 88-10-061
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356-30-305	AMD-C 88-03-039	360-08-460	REP 88-06-026	372-52-070	AMD-P 88-10-061
356-30-305	AMD 88-06-001	360-08-470	REP-P 88-03-036	372-68-010	AMD-P 88-10-061
356-30-330	AMD-P 88-04-068	360-08-470	REP 88-06-026	372-68-020	AMD-P 88-10-061
356-34-010	AMD-P 88-04-067	360-08-480	REP-P 88-03-036	372-68-030	AMD-P 88-10-061
356-34-020	AMD 88-03-043	360-08-480	REP 88-06-026	372-68-040	AMD-P 88-10-061
356-34-030	AMD 88-03-043	360-08-490	REP-P 88-03-036	372-68-050	AMD-P 88-10-061
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356-34-050	AMD 88-03-043	360-08-500	REP 88-06-026	372-68-080	AMD-P 88-10-061
356-34-150	REP-P 88-08-058	360-08-510	REP-P 88-03-036	372-68-090	AMD-P 88-10-061
356-34-150	REP 88-11-037	360-08-510	REP 88-06-026	372-68-100	AMD-P 88-10-061
356-34-170	AMD-P 88-08-058	360-10-010	AMD 88-06-060	383-07-010	NEW-P 88-12-078
356-34-170	AMD 88-11-037	360-10-050	AMD 88-06-060	383-07-020	NEW-P 88-12-078
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356-42-010	AMD-P 88-10-030	360-13-066	AMD-P 88-07-097	383-07-040	NEW-P 88-12-078
356-42-020	AMD-C 88-07-043	360-13-066	AMD 88-11-007	383-07-050	NEW-P 88-12-078
356-42-020	AMD-P 88-10-029	360-16-025	AMD-P 88-11-081	383-07-060	NEW-P 88-12-078
356-42-042	NEW-C 88-07-043	360-16-094	NEW-P 88-11-081	383-07-070	NEW-P 88-12-078
356-42-042	NEW-P 88-10-029	360-16-096	AMD-P 88-11-081	383-07-080	NEW-P 88-12-078
356-42-043	AMD-C 88-07-043	360-18-010	AMD-P 88-11-082	383-07-090	NEW-P 88-12-078
356-42-043	AMD-C 88-07-044	360-18-020	AMD-P 88-03-066	383-07-100	NEW-P 88-12-078
356-42-043	AMD-P 88-10-029	360-18-020	AMD 88-07-011	383-07-110	NEW-P 88-12-078
356-42-043	AMD-P 88-10-030	360-18-020	AMD-E 88-10-033	383-07-120	NEW-P 88-12-078
356-42-045	AMD-C 88-07-043	360-18-020	AMD-P 88-11-082	383-07-130	NEW-P 88-12-078
356-42-045	AMD-C 88-07-044	360-18-025	NEW-P 88-03-066	388-14-010	AMD-P 88-02-055
356-42-045	AMD-P 88-10-029	360-36-425	NEW 88-07-011	388-14-010	AMD-E 88-02-056
356-42-045	AMD-P 88-10-030	360-36-425	NEW 88-06-060	388-14-010	AMD 88-07-012
356-42-047	AMD-C 88-07-044	360-36-425	AMD-P 88-07-097	388-14-020	AMD-P 88-02-055
356-42-047	AMD-P 88-10-030	360-38-010	AMD 88-11-007	388-14-020	AMD-E 88-02-056
356-42-049	NEW-C 88-07-043	360-38-010	NEW-E 88-10-032	388-14-030	AMD-P 88-02-055
356-42-049	NEW-P 88-10-029	360-38-010	NEW-P 88-11-082	388-14-030	AMD 88-07-012
356-42-050	AMD-C 88-07-044	360-38-020	NEW-E 88-10-032	388-14-030	AMD-E 88-02-056
356-42-050	AMD-P 88-10-030	360-38-020	NEW-P 88-11-082	388-14-030	AMD 88-07-012
356-42-055	AMD-C 88-07-043	360-38-030	NEW-E 88-10-032	388-14-200	AMD-P 88-02-055
356-42-055	AMD-P 88-10-029	360-38-030	NEW-P 88-11-082		

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388-14-200	AMD	88-07-012	388-19-025	NEW-P	88-10-043	388-40-110	NEW-W	88-08-001
388-14-205	AMD-P	88-02-055	388-19-030	NEW-P	88-10-043	388-40-110	NEW-P	88-10-042
388-14-205	AMD-E	88-02-056	388-19-035	NEW-P	88-10-043	388-40-110	NEW-E	88-10-045
388-14-205	AMD	88-07-012	388-19-040	NEW-P	88-10-043	388-44-330	NEW-P	88-10-004
388-14-210	AMD-P	88-02-055	388-19-045	NEW-P	88-10-043	388-49-020	AMD-P	88-06-079
388-14-210	AMD-E	88-02-056	388-19-050	NEW-P	88-10-043	388-49-020	AMD	88-08-080
388-14-210	AMD	88-07-012	388-24-040	AMD-P	88-04-036	388-49-020	AMD-P	88-12-030
388-14-220	AMD-P	88-02-055	388-24-040	AMD-E	88-04-039	388-49-190	AMD-P	88-12-030
388-14-220	AMD-E	88-02-056	388-24-040	AMD	88-09-039	388-49-250	AMD-P	88-11-059
388-14-220	AMD	88-07-012	388-24-050	AMD-P	88-04-036	388-49-260	AMD-P	88-12-030
388-14-270	AMD-P	88-02-055	388-24-050	AMD-E	88-04-039	388-49-410	AMD-P	88-06-080
388-14-270	AMD-E	88-02-056	388-24-050	AMD	88-09-039	388-49-410	AMD	88-08-081
388-14-270	AMD	88-07-012	388-24-074	AMD	88-06-084	388-49-410	AMD-P	88-12-030
388-14-302	AMD-P	88-02-055	388-24-074	AMD	88-07-056	388-49-420	AMD-P	88-12-030
388-14-302	AMD-E	88-02-056	388-24-090	AMD	88-06-084	388-49-470	AMD-P	88-05-005
388-14-302	AMD	88-07-012	388-24-090	AMD	88-07-056	388-49-470	AMD-E	88-05-006
388-14-305	AMD-P	88-02-055	388-24-107	AMD	88-06-084	388-49-470	AMD-P	88-06-081
388-14-305	AMD-E	88-02-056	388-24-107	AMD	88-07-056	388-49-470	AMD	88-08-079
388-14-305	AMD	88-07-012	388-24-125	AMD-P	88-04-036	388-49-480	AMD-P	88-12-030
388-14-310	AMD-P	88-02-055	388-24-125	AMD-E	88-04-039	388-49-500	AMD-P	88-06-082
388-14-310	AMD-E	88-02-056	388-24-125	AMD	88-09-039	388-49-500	AMD	88-08-078
388-14-310	AMD	88-07-012	388-28-435	AMD	88-05-013	388-49-505	NEW	88-04-042
388-14-320	REP-P	88-02-055	388-28-440	AMD-P	88-04-045	388-49-515	NEW-P	88-12-091
388-14-320	REP-E	88-02-056	388-28-440	AMD	88-07-052	388-49-520	AMD-P	88-12-091
388-14-320	REP	88-07-012	388-28-475	AMD-P	88-04-045	388-49-530	AMD-P	88-12-091
388-14-325	REP-P	88-02-055	388-28-475	AMD	88-07-052	388-49-535	NEW-P	88-12-091
388-14-325	REP-E	88-02-056	388-28-480	AMD	88-07-117	388-49-610	AMD-P	88-12-092
388-14-325	REP	88-07-012	388-28-482	AMD	88-07-117	388-49-620	AMD-P	88-12-092
388-14-370	AMD-P	88-02-055	388-28-483	AMD	88-07-117	388-49-640	AMD-P	88-04-088
388-14-370	AMD-E	88-02-056	388-28-560	AMD	88-04-018	388-49-640	AMD	88-08-039
388-14-370	AMD	88-07-012	388-29-100	AMD	88-04-019	388-49-660	AMD-P	88-04-046
388-14-385	AMD-P	88-02-055	388-29-125	AMD	88-04-019	388-49-660	AMD	88-08-040
388-14-385	AMD-E	88-02-056	388-29-130	AMD	88-04-019	388-49-660	AMD	88-08-040
388-14-385	AMD	88-07-012	388-29-145	REP-P	88-04-037	388-57-010	REP	88-07-055
388-14-405	AMD-P	88-02-055	388-29-145	REP-E	88-04-040	388-57-011	NEW	88-07-055
388-14-405	AMD-E	88-02-056	388-29-145	REP	88-07-062	388-57-015	REP	88-07-055
388-14-405	AMD	88-07-012	388-29-146	REP	88-04-019	388-57-020	REP	88-07-055
388-14-415	AMD-P	88-02-055	388-29-280	AMD	88-04-019	388-57-028	REP	88-07-055
388-14-415	AMD-E	88-02-056	388-33-135	AMD	88-07-117	388-57-032	REP	88-07-055
388-14-415	AMD	88-07-012	388-33-480	NEW-P	88-11-058	388-57-036	REP	88-07-055
388-14-420	NEW-P	88-02-055	388-37-110	AMD-E	88-12-086	388-57-040	AMD	88-07-055
388-14-420	NEW-E	88-02-056	388-37-110	AMD-P	88-12-094	388-57-045	REP	88-07-055
388-14-420	NEW	88-07-012	388-37-130	AMD-E	88-12-086	388-57-056	REP	88-07-055
388-14-425	NEW-P	88-02-055	388-37-130	AMD-P	88-12-094	388-57-057	AMD	88-07-055
388-14-425	NEW-E	88-02-056	388-37-140	AMD-E	88-12-086	388-57-059	NEW	88-07-055
388-14-425	NEW	88-07-012	388-37-140	AMD-E	88-12-094	388-57-061	REP	88-07-055
388-14-430	NEW-P	88-02-055	388-37-160	AMD-E	88-12-086	388-57-063	NEW	88-07-055
388-14-430	NEW-E	88-02-056	388-37-160	AMD-P	88-12-094	388-57-064	REP	88-07-055
388-14-430	NEW	88-07-012	388-37-170	AMD-E	88-12-086	388-57-066	NEW	88-07-055
388-15-207	AMD-P	88-02-065	388-37-170	AMD-E	88-12-086	388-57-067	NEW	88-07-055
388-15-207	AMD	88-06-088	388-37-190	AMD-P	88-12-094	388-57-070	REP	88-07-055
388-15-208	AMD-P	88-02-065	388-37-190	AMD-P	88-12-094	388-57-071	NEW	88-07-055
388-15-208	AMD	88-06-088	388-38-110	AMD-P	88-04-038	388-57-074	NEW	88-07-055
388-15-209	AMD-P	88-02-065	388-38-110	AMD-P	88-04-038	388-57-090	REP	88-07-055
388-15-209	AMD	88-06-088	388-40	AMD	88-07-117	388-57-097	AMD	88-07-055
388-15-212	AMD-P	88-02-065	388-40	AMD-P	88-10-042	388-57-100	AMD	88-07-055
388-15-212	AMD	88-06-088	388-40	AMD-E	88-10-045	388-57-105	NEW	88-07-055
388-15-213	AMD-P	88-02-065	388-40-040	AMD-P	88-10-042	388-57-112	NEW	88-07-055
388-15-213	AMD	88-06-088	388-40-040	AMD-E	88-10-045	388-57-115	NEW	88-07-055
388-15-214	NEW-P	88-02-065	388-40-080	AMD-P	88-07-053	388-57-117	NEW	88-07-055
388-15-214	NEW	88-06-088	388-40-080	AMD-E	88-07-054	388-57-120	AMD	88-07-055
388-15-214	AMD-P	88-12-031	388-40-080	AMD-W	88-08-001	388-57-121	REP	88-07-055
388-15-215	AMD-P	88-02-065	388-40-080	AMD-P	88-10-042	388-57-123	AMD	88-07-055
388-15-215	AMD-P	88-08-059	388-40-080	AMD-E	88-10-045	388-57-124	AMD	88-07-055
388-15-215	AMD	88-11-062	388-40-090	AMD-P	88-07-053	388-57-125	AMD	88-07-055
388-15-217	AMD-P	88-02-065	388-40-090	AMD-E	88-07-054	388-57-125	NEW-P	88-04-089
388-15-217	AMD-P	88-08-059	388-40-090	AMD-W	88-08-001	388-77-005	NEW-W	88-08-038
388-15-217	AMD	88-11-062	388-40-090	AMD-P	88-10-042	388-77-005	NEW-P	88-09-079
388-15-690	NEW	88-03-020	388-40-090	AMD-E	88-10-045	388-77-005	NEW	88-12-093
388-15-695	NEW	88-03-020	388-40-095	NEW-P	88-10-042	388-77-010	NEW-P	88-04-089
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388-15-715	NEW	88-03-020	388-40-100	AMD-W	88-08-001	388-77-015	NEW-P	88-04-089
388-19-005	NEW-P	88-10-043	388-40-100	AMD-P	88-10-042	388-77-015	NEW-W	88-08-038
388-19-015	NEW-P	88-10-043	388-40-110	AMD-E	88-10-045	388-77-015	NEW-P	88-09-079
				NEW-P	88-07-053	388-77-015	NEW	88-12-093

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388-77-020	NEW-W	88-08-038	388-77-500	NEW-P	88-09-079	388-77-765	NEW-W	88-08-038
388-77-025	NEW-P	88-04-089	388-77-500	NEW	88-12-093	388-77-770	NEW-P	88-04-089
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388-77-030	NEW-W	88-08-038	388-77-510	NEW-P	88-04-089	388-77-780	NEW-W	88-08-038
388-77-035	NEW-P	88-04-089	388-77-510	NEW-W	88-08-038	388-77-810	NEW-P	88-04-089
388-77-035	NEW-W	88-08-038	388-77-515	NEW-P	88-04-089	388-77-810	NEW-W	88-08-038
388-77-040	NEW-P	88-04-089	388-77-515	NEW-W	88-08-038	388-77-810	NEW-P	88-09-079
388-77-040	NEW-W	88-08-038	388-77-515	NEW	88-12-093	388-77-810	NEW	88-12-093
388-77-045	NEW-P	88-04-089	388-77-515	NEW	88-12-093	388-77-815	NEW-P	88-04-089
388-77-045	NEW-W	88-08-038	388-77-520	NEW-P	88-04-089	388-77-815	NEW-W	88-08-038
388-77-045	NEW-P	88-09-079	388-77-520	NEW-W	88-08-038	388-77-820	NEW-P	88-04-089
388-77-045	NEW	88-12-093	388-77-520	NEW-P	88-09-079	388-77-820	NEW-W	88-08-038
388-77-055	NEW-P	88-04-089	388-77-520	NEW	88-12-093	388-77-820	NEW-P	88-09-079
388-77-055	NEW-W	88-08-038	388-77-525	NEW-P	88-04-089	388-77-820	NEW	88-12-093
388-77-065	NEW-P	88-04-089	388-77-525	NEW-W	88-08-038	388-77-825	NEW-P	88-04-089
388-77-065	NEW-W	88-08-038	388-77-525	NEW-P	88-09-079	388-77-825	NEW-W	88-08-038
388-77-200	NEW-P	88-04-089	388-77-525	NEW	88-12-093	388-77-830	NEW-P	88-04-089
388-77-200	NEW-W	88-08-038	388-77-530	NEW-P	88-04-089	388-77-830	NEW-W	88-08-038
388-77-200	NEW-P	88-09-079	388-77-530	NEW-W	88-08-038	388-77-835	NEW-P	88-04-089
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388-77-210	NEW-P	88-04-089	388-77-545	NEW-W	88-08-038	388-77-835	NEW-P	88-04-089
388-77-210	NEW-W	88-08-038	388-77-550	NEW-P	88-04-089	388-77-870	NEW-W	88-08-038
388-77-210	NEW-P	88-09-079	388-77-550	NEW-W	88-08-038	388-77-870	NEW-P	88-04-089
388-77-210	NEW	88-12-093	388-77-555	NEW-P	88-04-089	388-77-880	NEW-W	88-08-038
388-77-215	NEW-P	88-04-089	388-77-555	NEW-W	88-08-038	388-77-880	NEW-P	88-04-089
388-77-215	NEW-W	88-08-038	388-77-555	NEW-P	88-09-079	388-77-900	NEW-W	88-08-038
388-77-230	NEW-P	88-09-079	388-77-555	NEW	88-12-093	388-77-900	NEW-P	88-09-079
388-77-230	NEW	88-12-093	388-77-560	NEW-P	88-04-089	388-77-900	NEW	88-12-093
388-77-240	NEW-P	88-04-089	388-77-560	NEW-W	88-08-038	388-77-905	NEW-P	88-04-089
388-77-240	NEW-W	88-08-038	388-77-600	NEW-P	88-04-089	388-77-905	NEW-W	88-08-038
388-77-240	NEW-P	88-09-079	388-77-600	NEW-W	88-08-038	388-77-915	NEW-P	88-04-089
388-77-240	NEW	88-12-093	388-77-600	NEW-P	88-09-079	388-77-915	NEW-W	88-08-038
388-77-245	NEW-P	88-04-089	388-77-600	NEW	88-12-093	388-77-920	NEW-P	88-04-089
388-77-245	NEW-W	88-08-038	388-77-605	NEW-P	88-04-089	388-77-920	NEW-W	88-08-038
388-77-255	NEW-P	88-04-089	388-77-605	NEW-W	88-08-038	388-77-925	NEW-P	88-04-089
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388-77-255	NEW-P	88-09-079	388-77-605	NEW	88-12-093	388-77-930	NEW-P	88-04-089
388-77-255	NEW	88-12-093	388-77-610	NEW-P	88-04-089	388-77-930	NEW-W	88-08-038
388-77-270	NEW-P	88-04-089	388-77-610	NEW-W	88-08-038	388-77-940	NEW-P	88-04-089
388-77-270	NEW-W	88-08-038	388-77-610	NEW-P	88-09-079	388-77-940	NEW-W	88-08-038
388-77-270	NEW-P	88-09-079	388-77-610	NEW	88-12-093	388-77-945	NEW-P	88-04-089
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388-77-275	NEW-P	88-04-089	388-77-615	NEW-W	88-08-038	388-77-975	NEW-P	88-04-089
388-77-275	NEW-W	88-08-038	388-77-615	NEW-P	88-09-079	388-77-975	NEW-W	88-08-038
388-77-280	NEW-P	88-04-089	388-77-615	NEW	88-12-093	388-78-005	NEW-P	88-06-078
388-77-280	NEW-W	88-08-038	388-77-640	NEW-P	88-04-089	388-78-005	NEW	88-12-088
388-77-285	NEW-P	88-04-089	388-77-640	NEW-W	88-08-038	388-78-010	NEW-P	88-06-078
388-77-285	NEW-W	88-08-038	388-77-700	NEW-P	88-04-089	388-78-010	NEW	88-12-088
388-77-285	NEW-P	88-09-079	388-77-700	NEW-W	88-08-038	388-78-015	NEW-P	88-06-078
388-77-285	NEW	88-12-093	388-77-710	NEW-P	88-04-089	388-78-015	NEW	88-12-088
388-77-310	NEW-P	88-04-089	388-77-710	NEW-W	88-08-038	388-78-020	NEW-P	88-06-078
388-77-310	NEW-W	88-08-038	388-77-720	NEW-P	88-04-089	388-78-020	NEW	88-12-088
388-77-320	NEW-P	88-04-089	388-77-720	NEW-W	88-08-038	388-78-100	NEW-P	88-06-078
388-77-320	NEW-W	88-08-038	388-77-725	NEW-P	88-04-089	388-78-100	NEW	88-12-088
388-77-320	NEW-P	88-09-079	388-77-725	NEW-W	88-08-038	388-78-120	NEW-P	88-06-078
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388-77-330	NEW-P	88-04-089	388-77-730	NEW-W	88-08-038	388-78-205	NEW-P	88-06-078
388-77-330	NEW-W	88-08-038	388-77-735	NEW-P	88-04-089	388-78-205	NEW	88-12-088
388-77-335	NEW-P	88-04-089	388-77-735	NEW-W	88-08-038	388-78-210	NEW-P	88-06-078
388-77-335	NEW-W	88-08-038	388-77-735	NEW-P	88-09-079	388-78-210	NEW	88-12-088
388-77-340	NEW-P	88-04-089	388-77-735	NEW	88-12-093	388-78-215	NEW-P	88-06-078
388-77-340	NEW-W	88-08-038	388-77-737	NEW-P	88-04-089	388-78-215	NEW	88-12-088
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388-77-355	NEW-P	88-04-089	388-77-737	NEW	88-12-093	388-81-047	NEW	88-03-050
388-77-355	NEW-W	88-08-038	388-77-740	NEW-P	88-04-089	388-82-010	AMD-P	88-06-077
388-77-360	NEW-P	88-04-089	388-77-740	NEW-W	88-08-038	388-82-010	AMD	88-09-037
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388-77-370	NEW-W	88-08-038	388-77-755	NEW-P	88-04-089	388-83-032	AMD	88-11-063
388-77-375	NEW-P	88-04-089	388-77-755	NEW-W	88-08-038	388-86-005	AMD-P	88-03-021
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388-86-021	AMD-E	88-11-044	391-35-020	NEW-P	88-07-081	392-121-131	REP	88-03-013
388-86-050	AMD	88-04-048	391-35-020	NEW	88-12-061	392-121-133	NEW	88-03-013
388-86-050	AMD-P	88-11-043	391-35-300	NEW-P	88-07-081	392-121-135	REP	88-03-013
388-86-050	AMD-E	88-11-044	391-45-013	REP-P	88-07-082	392-121-136	NEW	88-03-013
388-86-051	NEW	88-04-048	391-45-013	REP	88-12-056	392-121-140	REP	88-03-013
388-86-075	AMD-P	88-11-043	391-45-013	REP-E	88-12-062	392-121-145	REP	88-03-013
388-86-075	AMD-E	88-11-044	391-45-260	NEW-P	88-07-082	392-121-150	REP	88-03-013
388-86-085	AMD-P	88-03-021	391-45-260	NEW	88-12-056	392-121-155	REP	88-03-013
388-86-085	AMD	88-06-083	391-55-002	AMD-P	88-07-083	392-121-160	REP	88-03-013
388-86-086	NEW-P	88-03-021	391-55-002	AMD	88-12-055	392-121-161	NEW	88-03-013
388-86-086	NEW	88-06-083	391-55-033	REP-P	88-07-083	392-121-165	REP	88-03-013
388-86-095	AMD-P	88-11-043	391-55-033	REP	88-12-055	392-121-170	REP	88-03-013
388-86-095	AMD-E	88-11-044	391-55-033	REP-E	88-12-063	392-121-175	REP	88-03-013
388-86-09601	AMD-P	88-11-043	391-55-071	NEW-P	88-07-083	392-121-176	REP	88-03-013
388-86-09601	AMD-E	88-11-044	391-55-071	NEW	88-12-055	392-121-177	REP	88-03-013
388-86-098	AMD-P	88-11-043	391-55-071	NEW-E	88-12-064	392-121-180	REP	88-03-013
388-86-098	AMD-E	88-11-044	391-55-400	AMD-P	88-07-083	392-121-181	NEW	88-03-013
388-87-010	AMD-P	88-03-021	391-55-400	AMD	88-12-055	392-121-182	NEW	88-03-013
388-87-010	AMD	88-06-083	391-55-410	AMD-P	88-07-083	392-121-183	NEW	88-03-013
388-87-011	AMD-P	88-08-060	391-55-410	AMD	88-12-055	392-121-185	REP	88-03-013
388-87-011	AMD	88-11-061	391-55-415	AMD-P	88-07-083	392-121-186	REP	88-03-013
388-87-013	AMD	88-04-048	391-55-415	AMD	88-12-055	392-121-190	REP	88-03-013
388-87-027	AMD-P	88-03-021	391-55-420	AMD-P	88-07-083	392-121-195	REP	88-03-013
388-87-027	AMD	88-06-083	391-55-420	AMD	88-12-055	392-121-200	NEW	88-03-013
388-87-035	AMD-P	88-03-021	391-55-425	AMD-P	88-07-083	392-121-205	NEW	88-03-013
388-87-035	AMD	88-06-083	391-55-425	AMD	88-12-055	392-121-210	NEW	88-03-013
388-87-036	NEW-P	88-03-021	391-55-430	AMD-P	88-07-083	392-121-215	NEW	88-03-013
388-87-036	NEW	88-06-083	391-55-430	AMD	88-12-055	392-121-220	NEW	88-03-013
388-87-070	AMD	88-04-048	391-55-435	AMD-P	88-07-083	392-121-225	NEW	88-03-013
388-88-050	AMD	88-04-041	391-55-435	AMD	88-12-055	392-121-245	NEW	88-03-013
388-88-101	AMD	88-04-041	391-55-440	AMD-P	88-07-083	392-121-250	NEW	88-03-013
388-92-045	AMD-P	88-03-072	391-55-440	AMD	88-12-055	392-121-255	NEW	88-03-013
388-92-045	AMD	88-06-087	391-55-445	AMD-P	88-07-083	392-121-257	NEW	88-03-013
388-95-380	AMD-P	88-03-072	391-55-445	AMD	88-12-055	392-121-260	NEW	88-03-013
388-95-380	AMD	88-06-087	391-55-450	AMD-P	88-07-083	392-121-265	NEW	88-03-013
388-96-771	NEW-E	88-03-052	391-55-450	AMD	88-12-055	392-121-267	NEW	88-03-013
388-96-771	NEW-P	88-03-053	391-55-455	AMD-P	88-07-083	392-121-268	NEW	88-03-013
388-96-771	NEW	88-06-085	391-55-455	AMD	88-12-055	392-121-270	NEW	88-03-013
388-98-005	NEW-E	88-03-051	391-55-505	REP-P	88-07-083	392-121-272	NEW	88-03-013
388-98-005	NEW-P	88-03-054	391-55-505	REP	88-12-055	392-121-280	NEW	88-03-013
388-98-005	NEW	88-06-086	391-65-050	AMD-P	88-07-084	392-121-285	NEW	88-03-013
388-98-010	NEW-E	88-03-051	391-65-050	AMD	88-12-057	392-121-290	NEW	88-03-013
388-98-010	NEW-P	88-03-054	391-65-074	REP-P	88-07-084	392-121-295	NEW	88-03-013
388-98-010	NEW	88-06-086	391-65-074	REP	88-12-057	392-121-297	NEW	88-03-013
388-98-015	NEW-E	88-03-051	391-65-094	REP-P	88-07-084	392-121-299	NEW	88-03-013
388-98-015	NEW-P	88-03-054	391-65-094	REP	88-12-057	392-121-400	NEW	88-03-013
388-98-015	NEW	88-06-086	391-95-010	AMD-P	88-07-085	392-121-405	NEW	88-03-013
388-98-020	NEW-E	88-03-051	391-95-010	AMD	88-12-058	392-121-415	NEW	88-03-013
388-98-020	NEW-P	88-03-054	391-95-030	AMD-P	88-07-085	392-121-420	NEW	88-03-013
388-98-020	NEW	88-06-086	391-95-030	AMD	88-12-058	392-121-425	NEW	88-03-013
388-99-010	AMD-P	88-06-077	391-95-230	AMD-P	88-07-085	392-121-430	NEW	88-03-013
388-99-010	AMD	88-09-037	391-95-230	AMD	88-12-058	392-121-440	NEW	88-03-013
388-99-020	AMD	88-05-056	392-121-001	NEW	88-03-013	392-121-442	NEW	88-03-013
390-05-210	AMD-P	88-11-064	392-121-003	NEW	88-03-013	392-121-445	NEW	88-03-013
390-16-223	NEW-P	88-11-064	392-121-007	NEW	88-03-013	392-121-460	NEW	88-03-013
390-18-040	AMD-P	88-11-064	392-121-021	NEW	88-03-013	392-126-003	NEW	88-03-003
390-20-022	NEW-C	88-04-062	392-121-031	NEW	88-03-013	392-127-003	NEW	88-03-004
390-20-022	NEW	88-06-019	392-121-033	NEW	88-03-013	392-130-005	NEW	88-04-001
390-20-056	NEW-P	88-04-063	392-121-101	REP	88-03-013	392-130-010	NEW	88-04-001
390-20-056	NEW-C	88-09-008	392-121-103	REP	88-03-013	392-130-015	NEW	88-04-001
390-20-105	AMD-P	88-11-064	392-121-105	REP	88-03-013	392-130-020	NEW	88-04-001
391-08-120	AMD-P	88-07-079	392-121-106	NEW	88-03-013	392-130-025	NEW	88-04-001
391-08-120	AMD	88-12-053	392-121-107	NEW	88-03-013	392-130-030	NEW	88-04-001
391-25-090	AMD-P	88-07-080	392-121-108	NEW	88-03-013	392-130-035	NEW	88-04-001
391-25-090	AMD	88-12-054	392-121-110	REP	88-03-013	392-130-040	NEW	88-04-001
391-25-110	AMD-P	88-07-080	392-121-111	NEW	88-03-013	392-130-045	NEW	88-04-001
391-25-110	AMD	88-12-054	392-121-115	REP	88-03-013	392-130-050	NEW	88-04-001
391-25-140	NEW-P	88-07-080	392-121-120	REP	88-03-013	392-130-055	NEW	88-04-001
391-25-140	NEW	88-12-054	392-121-121	REP	88-03-013	392-130-060	NEW	88-04-001
391-25-190	AMD-P	88-07-080	392-121-122	NEW	88-03-013	392-130-065	NEW	88-04-001
391-25-190	AMD	88-12-054	392-121-123	NEW	88-03-013	392-130-070	NEW	88-04-001
391-25-290	AMD-P	88-07-080	392-121-125	REP	88-03-013	392-130-075	NEW	88-04-001
391-25-290	AMD	88-12-054	392-121-126	REP	88-03-013	392-130-080	NEW	88-04-001
391-25-390	AMD-P	88-07-080	392-121-127	REP	88-03-013	392-130-085	NEW	88-04-001
391-25-390	AMD	88-12-054	392-121-128	REP	88-03-013	392-130-090	NEW	88-04-001





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392-168-105	NEW-P	88-06-094	392-220-075	NEW-E	88-03-012	392-315-165	NEW	88-09-044
392-168-105	NEW	88-09-042	392-220-080	NEW-P	88-03-011	399-30-040	AMD-P	88-06-045
392-168-110	NEW-P	88-06-094	392-220-080	NEW-E	88-03-012	399-30-040	AMD	88-10-009
392-168-110	NEW	88-09-042	392-220-085	NEW-P	88-03-011	400-12	NEW-C	88-04-023
392-168-115	NEW-P	88-06-094	392-220-085	NEW-E	88-03-012	400-12-100	NEW	88-06-053
392-168-115	NEW	88-09-042	392-220-090	NEW-P	88-03-011	400-12-110	NEW	88-06-053
392-168-120	NEW-P	88-06-094	392-220-090	NEW-E	88-03-012	400-12-120	NEW	88-06-053
392-168-120	NEW	88-09-042	392-220-095	NEW-P	88-03-011	400-12-200	NEW	88-06-053
392-168-125	NEW-P	88-06-094	392-220-095	NEW-E	88-03-012	400-12-210	NEW	88-06-053
392-168-125	NEW	88-09-042	392-220-100	NEW-P	88-03-011	400-12-220	NEW	88-06-053
392-168-130	NEW-P	88-06-094	392-220-100	NEW-E	88-03-012	400-12-300	NEW	88-06-053
392-168-130	NEW	88-09-042	392-220-105	NEW-P	88-03-011	400-12-310	NEW	88-06-053
392-168-135	NEW-P	88-06-094	392-220-105	NEW-E	88-03-012	400-12-320	NEW	88-06-053
392-168-135	NEW	88-09-042	392-220-110	NEW-P	88-03-011	400-12-400	NEW	88-06-053
392-168-140	NEW-P	88-06-094	392-220-110	NEW-E	88-03-012	400-12-410	NEW	88-06-053
392-168-140	NEW	88-09-042	392-220-115	NEW-P	88-03-011	400-12-420	NEW	88-06-053
392-168-145	NEW-P	88-06-094	392-220-115	NEW-E	88-03-012	400-12-500	NEW	88-06-053
392-168-145	NEW	88-09-042	392-220-120	NEW-P	88-03-011	400-12-510	NEW	88-06-053
392-168-150	NEW-P	88-06-094	392-220-120	NEW-E	88-03-012	400-12-520	NEW	88-06-053
392-168-150	NEW	88-09-042	392-220-125	NEW-P	88-03-011	400-12-530	NEW	88-06-053
392-168-155	NEW-P	88-06-094	392-220-125	NEW-E	88-03-012	400-12-540	NEW	88-06-053
392-168-155	NEW	88-09-042	392-220-130	NEW-P	88-03-011	400-12-550	NEW	88-06-053
392-168-160	NEW-P	88-06-094	392-220-130	NEW-E	88-03-012	400-12-560	NEW	88-06-053
392-168-160	NEW	88-09-042	392-220-135	NEW-P	88-03-011	400-12-570	NEW	88-06-053
392-168-165	NEW-P	88-06-094	392-220-135	NEW-E	88-03-012	400-12-600	NEW	88-06-053
392-168-165	NEW	88-09-042	392-220-140	NEW-P	88-03-011	400-12-610	NEW	88-06-053
392-168-170	NEW-P	88-06-094	392-220-140	NEW-E	88-03-012	400-12-620	NEW	88-06-053
392-168-170	NEW	88-09-042	392-220-145	NEW-P	88-03-011	400-12-630	NEW	88-06-053
392-168-175	NEW-P	88-06-094	392-220-145	NEW-E	88-03-012	400-12-640	NEW	88-06-053
392-168-175	NEW	88-09-042	392-220-150	NEW-P	88-03-011	400-12-650	NEW	88-06-053
392-168-180	NEW-P	88-06-094	392-220-150	NEW-E	88-03-012	400-12-660	NEW	88-06-053
392-168-180	NEW	88-09-042	392-220-155	NEW-P	88-03-011	400-12-700	NEW	88-06-053
392-168-185	NEW-P	88-06-094	392-220-155	NEW-E	88-03-012	400-12-710	NEW	88-06-053
392-168-185	NEW	88-09-042	392-310-010	NEW-P	88-03-073	400-12-720	NEW	88-06-053
392-168-190	NEW-P	88-06-094	392-310-010	NEW-E	88-04-002	415-108-450	NEW	88-11-030
392-168-190	NEW	88-09-042	392-310-010	NEW	88-06-042	415-108-460	NEW	88-11-030
392-171-761	REP-P	88-07-112	392-310-010	NEW-P	88-03-073	415-112-410	AMD	88-11-031
392-171-761	AMD-P	88-12-016	392-310-015	NEW-E	88-04-002	415-112-411	NEW	88-11-031
392-171-766	REP-P	88-07-112	392-310-015	NEW	88-06-042	419-32-070	REP-P	88-11-049
392-171-766	REP	88-12-017	392-310-020	NEW-P	88-03-073	419-32-080	REP-P	88-11-049
392-171-771	REP-P	88-07-112	392-310-020	NEW-E	88-04-002	419-32-090	REP-P	88-11-049
392-171-771	REP	88-12-017	392-310-020	NEW	88-06-042	419-32-100	REP-P	88-11-049
392-171-776	REP-P	88-07-112	392-310-025	NEW-P	88-03-073	419-32-110	REP-P	88-11-049
392-171-776	REP	88-12-017	392-310-025	NEW-E	88-04-002	419-32-120	REP-P	88-11-049
392-171-781	REP-P	88-07-112	392-310-025	NEW	88-06-042	419-32-130	REP-P	88-11-049
392-171-781	REP	88-12-017	392-315-005	NEW	88-09-044	419-32-140	REP-P	88-11-049
392-195-010	AMD	88-03-006	392-315-010	NEW	88-09-044	419-32-150	REP-P	88-11-049
392-195-015	AMD	88-03-006	392-315-015	NEW	88-09-044	419-32-160	REP-P	88-11-049
392-220-005	NEW-P	88-03-011	392-315-020	NEW	88-09-044	419-32-170	REP-P	88-11-049
392-220-005	NEW-E	88-03-012	392-315-025	NEW	88-09-044	419-56-010	NEW	88-02-068
392-220-010	NEW-P	88-03-011	392-315-030	NEW	88-09-044	419-56-020	NEW	88-02-068
392-220-010	NEW-E	88-03-012	392-315-035	NEW	88-09-044	419-56-030	NEW	88-02-068
392-220-015	NEW-P	88-03-011	392-315-040	NEW	88-09-044	419-56-040	NEW	88-02-068
392-220-015	NEW-E	88-03-012	392-315-045	NEW	88-09-044	419-56-050	NEW	88-02-068
392-220-020	NEW-P	88-03-011	392-315-050	NEW	88-09-044	419-56-060	NEW	88-02-068
392-220-020	NEW-E	88-03-012	392-315-055	NEW	88-09-044	419-56-070	NEW	88-02-068
392-220-025	NEW-P	88-03-011	392-315-060	NEW	88-09-044	419-56-080	NEW	88-02-068
392-220-025	NEW-E	88-03-012	392-315-065	NEW	88-09-044	419-56-090	NEW	88-02-068
392-220-030	NEW-P	88-03-011	392-315-070	NEW	88-09-044	419-60-010	NEW	88-02-067
392-220-030	NEW-E	88-03-012	392-315-075	NEW	88-09-044	419-60-020	NEW	88-02-067
392-220-035	NEW-P	88-03-011	392-315-080	NEW	88-09-044	419-60-030	NEW	88-02-067
392-220-035	NEW-E	88-03-012	392-315-085	NEW	88-09-044	419-64-010	NEW-P	88-11-050
392-220-040	NEW-P	88-03-011	392-315-090	NEW	88-09-044	419-64-020	NEW-P	88-11-050
392-220-040	NEW-E	88-03-012	392-315-095	NEW	88-09-044	419-64-030	NEW-P	88-11-050
392-220-045	NEW-P	88-03-011	392-315-100	NEW	88-09-044	419-64-040	NEW-P	88-11-050
392-220-045	NEW-E	88-03-012	392-315-105	NEW	88-09-044	434-19-010	NEW-P	88-05-054
392-220-050	NEW-P	88-03-011	392-315-110	NEW	88-09-044	434-19-010	NEW	88-09-028
392-220-050	NEW-E	88-03-012	392-315-115	NEW	88-09-044	434-19-012	NEW-P	88-05-054
392-220-055	NEW-P	88-03-011	392-315-120	NEW	88-09-044	434-19-012	NEW	88-09-028
392-220-055	NEW-E	88-03-012	392-315-125	NEW	88-09-044	434-19-013	NEW-P	88-05-054
392-220-060	NEW-P	88-03-011	392-315-130	NEW	88-09-044	434-19-013	NEW	88-09-028
392-220-060	NEW-E	88-03-012	392-315-135	NEW	88-09-044	434-19-014	NEW-P	88-05-054
392-220-065	NEW-P	88-03-011	392-315-140	NEW	88-09-044	434-19-014	NEW	88-09-028
392-220-065	NEW-E	88-03-012	392-315-145	NEW	88-09-044	434-19-015	NEW-P	88-05-054
392-220-070	NEW-P	88-03-011	392-315-150	NEW	88-09-044	434-19-015	NEW	88-09-028
392-220-070	NEW-E	88-03-012	392-315-155	NEW	88-09-044	434-19-016	NEW-P	88-05-054
392-220-075	NEW-P	88-03-011	392-315-160	NEW	88-09-044	434-19-016	NEW	88-09-028



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434-19-017	NEW 88-09-028	434-19-195	NEW-P 88-05-054	458-50-070	AMD-E 88-12-085
434-19-018	NEW-P 88-05-054	434-19-195	NEW 88-09-028	460-16A-050	AMD 88-03-015
434-19-018	NEW 88-09-028	434-19-230	NEW-P 88-05-054	460-16A-100	REP 88-03-015
434-19-020	NEW-P 88-05-054	434-19-230	NEW 88-09-028	460-16A-101	NEW 88-03-015
434-19-020	NEW 88-09-028	434-40-005	NEW 88-03-019	460-16A-102	NEW 88-03-015
434-19-050	NEW-P 88-05-054	434-40-010	NEW 88-03-019	460-16A-103	NEW 88-03-015
434-19-050	NEW 88-09-028	434-40-020	NEW 88-03-019	460-16A-104	NEW 88-03-015
434-19-051	NEW-P 88-05-054	434-40-030	NEW 88-03-019	460-16A-105	AMD 88-03-015
434-19-051	NEW 88-09-028	434-40-040	NEW 88-03-019	460-16A-106	AMD 88-03-015
434-19-052	NEW-P 88-05-054	434-40-050	NEW 88-03-019	460-16A-107	REP 88-03-015
434-19-052	NEW 88-09-028	434-40-060	NEW 88-03-019	460-16A-108	AMD 88-03-015
434-19-053	NEW-P 88-05-054	434-40-070	NEW 88-03-019	460-16A-109	AMD 88-03-015
434-19-053	NEW 88-09-028	434-40-080	NEW 88-03-019	460-16A-110	AMD 88-03-015
434-19-054	NEW-P 88-05-054	434-40-090	NEW 88-03-019	460-16A-110	AMD 88-03-015
434-19-054	NEW 88-09-028	434-40-100	NEW 88-03-019	460-16A-126	AMD 88-03-015
434-19-055	NEW-P 88-05-054	434-40-110	NEW 88-03-019	460-16A-130	REP 88-03-015
434-19-055	NEW 88-09-028	434-40-120	NEW 88-03-019	460-16A-135	REP 88-03-015
434-19-056	NEW-P 88-05-054	434-40-130	NEW 88-03-019	460-16A-140	REP 88-03-015
434-19-056	NEW 88-09-028	434-40-140	NEW 88-03-019	460-16A-145	REP 88-03-015
434-19-059	NEW-P 88-05-054	434-40-150	NEW 88-03-019	460-17A-010	NEW-P 88-12-026
434-19-059	NEW 88-09-028	434-40-160	NEW 88-03-019	460-17A-020	NEW-P 88-12-026
434-19-059	NEW 88-09-028	434-40-170	NEW 88-03-019	460-17A-030	NEW-P 88-12-026
434-19-060	NEW-P 88-05-054	434-40-180	NEW 88-03-019	460-17A-040	NEW-P 88-12-026
434-19-060	NEW 88-09-028	434-40-190	NEW 88-03-019	460-17A-050	NEW-P 88-12-026
434-19-061	NEW 88-09-028	434-40-200	NEW 88-03-019	460-17A-060	NEW-P 88-12-026
434-19-065	NEW-P 88-05-054	434-40-210	NEW 88-03-019	460-17A-070	NEW-P 88-12-026
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DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of July 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 thirteen and one-quarter percent (13¼%) for the third calendar quarter of 1988.

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and 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.